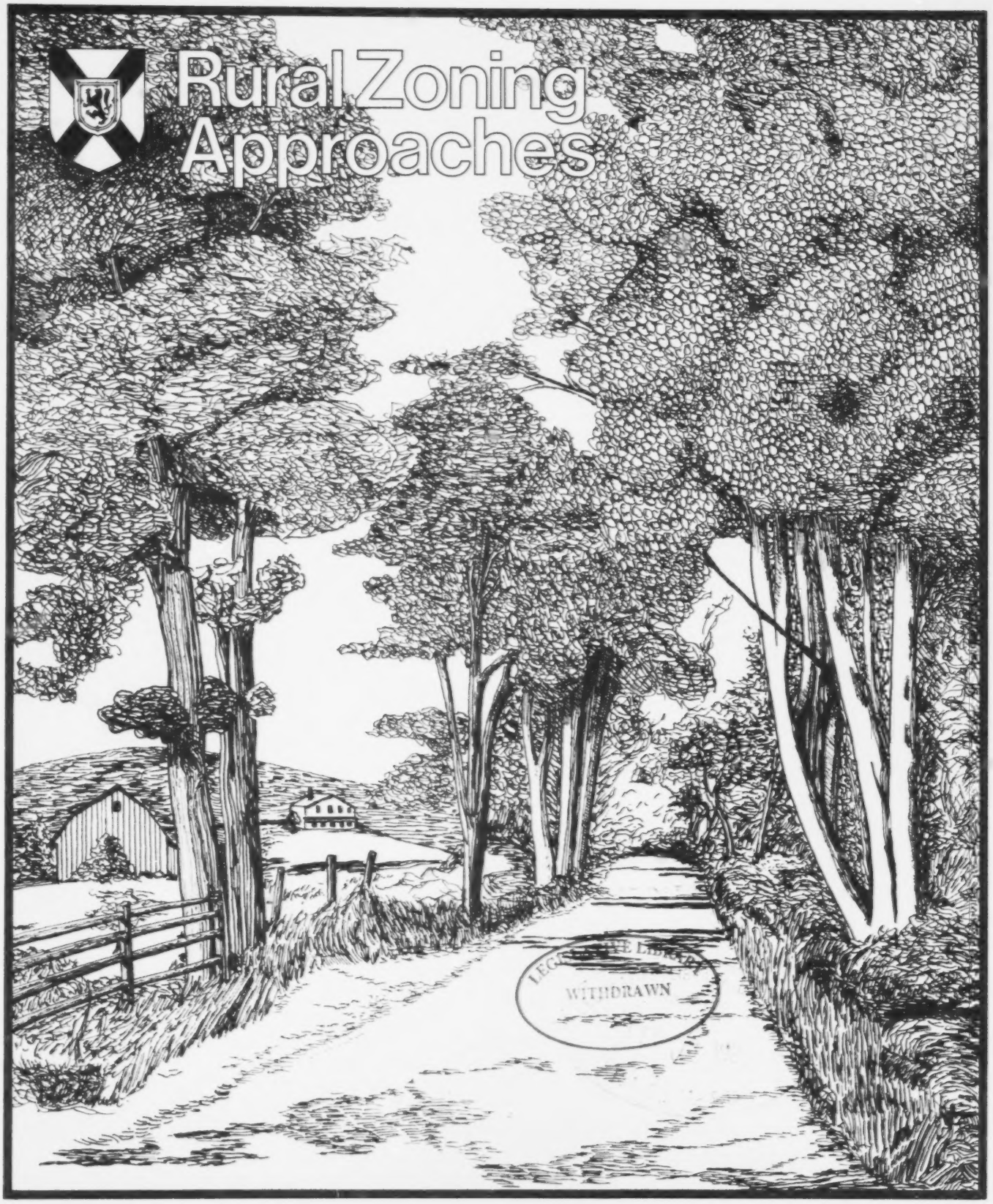
Rural Zoning Approaches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COMMUNITY PLANNING DIVISION
Nova Scotia Department of Municipal Affairs

104-01133/

RURAL ZONING APPROACHES

1980?

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Introduction

This report on Rural Zoning Approaches was prepared by the Community Planning Division, Nova Scotia Department of Municipal Affairs. It is primarily intended as a guide for municipal planners preparing municipal development plans and zoning by-laws for rural areas, but may be helpful to anyone interested in planning for rural areas. The report is not a model, rather it illustrates a range of zoning techniques that would appear to be most reasonable and readily usable in rural Nova Scotia under the existing Planning Act (RSNS, 1969). The need for this type of information report was perceived for two reasons. Firstly, there has been an increase in planning work taking place in rural areas in recent years and, secondly, there are few examples of zoning techniques for rural situations.

When preparing a zoning by-law for a rural area the importance of the municipal development plan must not be forgotten. A zoning by-law is the tool for enforcing the policies of Council as stated in the plan and must clearly reflect those policies. Any example zones would in fact be carrying out stated municipal development plan policies as per Section 33(1) of the Planning Act.

This report is to be included as a part of the Municipal Planning Handbook which the Department has prepared and distributed. It follows the overall structure and basic format of the Model Town Zoning By-law (March, 1978) which is also a part of the Handbook. The text of this report is on the odd numbered pages. The facing, even numbered pages are used for comments, additional information or explanations of the text. The opening sections (Title, Definitions, Zones and Zoning Maps, and Interpretation) are information that would be required in any zoning by-law. The General Provisions section which follows contains requirements which apply to all or most of the zones or uses in addition to those requirements given for a specific example zone. Throughout this report the reader is referred to any other requirements that may affect a permitted use in a particular zone. The provisions for sign control are not completed in this report as the Model Town Zoning By-law contains a lengthy section on the subject to which users are referred. In developing sign provisions for rural areas it is stressed that the level of detail required and the need for stringent restrictions may be less evident.

These sections are followed by the example zones. Many of these are mixed use zones which permit specified residential, institutional, commercial and industrial uses to occur in the same zone. Mixed use zones provide some minimal protection and reduce the complexity (red tape) of the development process. A lessened dependence on the rezoning process is also an advantage. Rural settlements (which are unincorporated communities in a rural area) are treated as mixed use zones, as the juxtaposition, scale, or mix or uses in rural settlements is generally not perceived to necessitate strict use segregation. Residential zone examples were developed for rural residential (largely urban fringe situations), recreation residential (cottage developments), and residential mobile home park situations. Special mixed use zones were developed for the rural areas where it may be desirable to protect any land based economic (resource) activities or potential which may exist. An Agricultural Resource Zone explores the techniques which may be useful in a single resource use area,

while a Mixed Resource Use zone example looks at the multiple resource use (forestry and agriculture) situation. Rural Mixed Use Zone examples explore the techniques which may be useful in rural areas where it is either undesirable or unnecessary to segregate uses. Rural Mixed Use Zones were developed for rural areas with either no major land based economic (resource) activity or with no desire to use zoning to protect or segregate such activities. The intent is to avoid placing unnecessary restrictions on rural land use while minimizing any potential conflict situations. This zone was perceived as being useful throughout many rural areas.

Examples of single use zones are included for certain commercial, park, conservation, water supply and industrial uses. Commercial uses of a general or local nature are permitted in the Settlement, Resource and Rural Mixed Use Zone examples. However, it was felt that the nature and intensity of both highway commercial uses and commercial shopping centres necessitated separate zoning. A Commercial Tourist Zone was developed for rural areas where certain general or local commercial uses occur as result of tourism. Commercial Tourist uses can generate particular use conflicts such as high traffic problems and demand for parking. A Public and Private Park Zone is intended for park areas and recreational facilities, while a Conservation Zone is for those areas where no development should be permitted to occur. A Water Supply Zone was designed to limit the type and intensity of uses in water supply areas as a way of maintaining surface water quality. Two industrial uses zones were produced. An Industrial General Zone could be used for non-resource related industrial uses in resource areas, or for new or existing industrial uses in a rural area. An Extractive Industrial Zone illustrates the mining related activities which can be regulated through zoning. Finally, a section on Administration outlining the administrative process necessary for the enforcement of a zoning by-law and the penalties for violations completes the body of this report.

Additional information which may be of interest has been appended to this report. Appendix A quotes Part VIII of the Planning Act which specifies the requirements for uses which do not conform to the zoning by-law. Turning from the law to potential development control techniques, Appendix B is a discussion of environmental performance standards in the context of rural zoning. Appendix C returns to the current situation by documenting some of the other Acts and regulations which affect rural land use in Nova Scotia. In suggesting further control through a zoning by-law it is important to appreciate the existing types of controls.

The format used for the zones in this report is similar to that used for zoning by-laws in Nova Scotia: the permitted uses are listed followed by the lot requirements and any other requirements affecting the permitted uses. However, unlike the Model Town Zoning By-law, in many cases more than one example is given for a particular zone. It was felt that no one example zone would cover all situations because of the obvious diversity throughout rural Nova Scotia. Nor could many of the zoning techniques applicable to a particular land use situation be explored in a single example. Any or all of the techniques illustrated may or may not be applicable in a specific circumstance. The nature of rural areas requires a non-standardized approach. As a result, to create a zone for a specific circumstance it will be necessary for a planner to select the relevent techniques from the examples given and create a zone. In doing this it will be important to consider the desired level of control so that an unnecessarily restrictive zone or rural zoning by-law is not inadvertently created. The list of permitted uses given in most of the examples, particularly the mixed use zones, tends to be

fairly board, and some attention should be given to this when developing a specific zone. Although most example zones in this report give only one set of lot requirements for all uses, in reality many zones in a rural zoning by-law would probably utilize differing lot requirements for different uses and levels of servicing.

The English (imperial) measurement units used throughout this report have not been converted to the metric (standard international) system. Several methods can be used to determine metric equivalents, resulting in slightly different numbers. It was considered outside the scope of this report to determine the most appropriate conversion method. Municipalities wishing to prepare plans and zoning by-laws with metric standards are encouraged to do so. The Department is keeping abreast of the work being done by the federal Metric Commission on Sector 5.05, Land Related Sector – Real Estate, Land, surveyors, and Town Planners (which includes planning documents), and will be advising Municipalities on the situation.

Some of the zoning techniques explored in this report include mixed use zones, special requirements for certain uses, listing prohibited rather than permitted uses, relating lot size to natural slope conditions, and minimizing development control procedures through permit exemptions. As in the Model Town Zoning By-law, certain land uses have intentionally not been permitted in this report. The location of gravel pits, quarries and other forms of mining cannot be controlled through a zoning by-law. It is suggested that most heavy commercial or industrial uses, such as brick yards, asphalt plants and junk yards be regulated by contract zoning. In general, contract zoning is intended for specific developments or uses which are identified in the municipal development plan but not permitted in the zoning by-law. The level of control desired over these uses would be more than that allowed by a zoning amendment procedure. In this report conditional zoning [S.33(5)] is used to control situations where a use will only be allowed under certain conditions. This technique requires that the conditions must be stated clearly enough in the zoning by-law for a development officer to readily determine if they have been met. The use of Comprehensive Development Districts [S.33(2)(c)] has not been explored in this report as this technique is probably most useful in urban areas. For more information on these zoning techniques, the user is referred to Development Control: A Trade Off Between Flexibility and Red Tape, also prepared for inclusion in the Handbook. The special needs of airports have not been dealt with in this report. If an airport is located in a rural municipality please contact the Department of Municipal Affairs for assistance.

(Name of Municipal Unit)

Zoning By-law No. _____

A By-law to regulate the use of land and the erection or use of buildings and structures, and to regulate the height, bulk, location, size, spacing, character and use of buildings and structures, within the Municipality of _____ .

The Planning Act provides in:

Section 43 (2)

> --- no development shall be undertaken where a zoning by-law passed under this Act is in effect unless a development permit granted by the development officer has been obtained.

Section 1 in this Act

> (e) "development" includes any erection, construction, addition, alteration, replacement or relocation of or to any building or structure and any change or alteration in the use made of land, buildings or structures;

A Municipal Development Plan and Zoning By-law can be prepared for an entire municipality or for a portion of a municipality, In the latter case it is very important that the extent of the area affected be clearly indicated in both the text and on the maps of the Plan and By-law.

Many of the definitions included in the Model Town Zoning By-law could be used in the preparation of a zoning by-law for a rural area. As those definitions are not repeated here, please refer to the Model Town Zoning By-law. Careful consideration should be given to each definition, as some may be inapplicable. Only three additional definitions were used in the preparation of this report. The definition of agricultural use can be interpreted to include processing as a part of production. It would be necessary to specify that processing is not included in this definition if that was desired. The definition of road is limited to public roads and excludes private roads, this might have to be changed if developments fronting on private roads were to be permitted in any zone.

Part 1 Title

1. This By-law shall be known and may be cited as the "Zoning By-law" of the Municipality of _____ .

Part 2 Definitions

For the purpose of this By-law, all words shall carry their customary meaning except for those defined hereafter.

1. Agricultural use means the use of land for the production of food and fiber.

2. Forestry use means the use of land for the production of timber, pulp, christmas trees and other commercial silviculture operations.

3. Road means only the public roads owned and maintained or listed with the Department of Highways.

4. Slope — see comments on page 52 and footnote on page 129.

Part 3 Zones

1. For the purpose of this By-law the Municipality of _____ is divided into the following zones, the boundaries of which are shown on the attached schedules. Such zones may be referred to by the appropriate symbols.

Zones	Symbol

Note: All the zones used in the by-law, with their appropriate symbols, would be listed here.

Zoning Maps

2. The schedules "A", "B", and "C",. . ."Z" attached hereto may be cited as the "Zoning Maps" and are hereby declared to form part of the By-law.

Schedule "A"	Municipality of _____
Schedule "B"	Northern _____
Schedule "C"	Southern _____
" "	" "
" "	" "
" "	" "
Schedule "Z"	Upper _____

ZONES NOT ON MAPS

3. The zoning maps of this By-law may be amended to utilize any zone in this By-law, regardless of whether or not such zone had previously appeared on any zoning map. Such amendments must be carried out in accordance with Section 38 of the Planning Act.

Part 4 Interpretation

SYMBOLS

1. The symbols used on the Schedules "A", "B", and "C" attached hereto, refer to the appropriate zones established by this By-law.

DEFINITION

2. The extent and boundaries of all zones are shown on the Schedules "A", "B", and "C",. . . "Z" attached hereto, and for all such zones the provisions of this By-law shall respectively apply.

INTERPRETATION OF ZONING BOUNDARIES

3. Boundaries between zones shall be determined as follows:

   a. where a zone boundary is indicated as following a road or highway the boundary shall be the centre line of such road or highway;

   b. where a zone boundary is indicated as approximately following lot lines the the boundary shall follow such lots lines;

   c. where a road, highway, railway or railway right-of-way, electrical transmission line right-of-way, contour line or watercourse is included on the zoning maps, it shall, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof;

   d. where a railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning maps and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise;

   e. where a zone boundary is indicated as following the limits of the Municipality or of a polling district of the Municipality of _____, the limits shall be the boundary;

   f. where none of these above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Schedules "A", "B", and "C", . . . "Z".

Listing both permitted and prohibited uses in the same zone is not recommended, as it entails difficult legal implications. If this is desired the municipal solicitor should be consulted.

CERTAIN WORDS

4. In this By-law, words used in the present tense include the future; words in the singular number include the plural; words in the plural include the singular number; and the word "used" includes "arranged", "designed" or "intended to be used"; the word "shall" is mandatory and not permissive.

PERMITTED USES

5. For the purposes of this By-law, where a zone lists one or more permitted uses, all uses not listed as permitted shall be deemed to be prohibited uses in that zone.

PROHIBITED USES

6. For the purposes of this By-law, where a zone lists one or more prohibited uses, all uses not listed as prohibited shall be deemed to be permitted uses in that zone.

This section on General Provisions contains many standards for rights-of-way, parking, yard encroachments, setbacks, accessory buildings, etc. These provisions are intended to establish safety and land use requirements which affect all the uses permitted by the zoning by-law. For administrative purposes it may be helpful to make an index of the general provisions.

Although the general provisions included here have been examined in the context of zoning for a rural area, they should be given further consideration to ensure that they will reflect local conditions and needs. Some of the general provisions may not be appropriate in rural Nova Scotia. Any standards suggested here should be re-examined as well.

Section 43(3) of the Planning Act states that a zoning by-law "may prescribe the developments permitted. . .for which no development permit should be necessary." The statement requiring that development permits be issued has therefore been altered to reflect this flexibility. As a result, all the general provisions outlined here affect only those uses for which development permits are required. The example zones on pages 67 to 75 explore the technique of excusing permitted uses from requiring a development permit.

In the preparation of a rural zoning by-law it is important to clearly state whether the definition of roads includes private roads as well as public roads. The definition used should be consistent with those used in the subdivision regulations which may apply to the area. The definition used in this report (see page 1) excludes public roads and thereby precludes uses which require a development permit from occurring on a private road. Exceptions to this restriction may be desirable. For example in the resource or mixed use zones non-residential uses on lots greater than 5 acres might be permitted with frontage on private roads. Similar exceptions could be made for cottages in the recreation residential zone example.

Part 5 General Provisions For All Zones

SCOPE

1. 1. Subject to subsection 2 no building or structure shall hereafter be erected or altered, or the use of any land or building changed, unless a development permit has been issued except where specific uses are exempted from requiring a development permit, and no development permit shall be issued unless all the provisions of this By-law are satisfied.

2. Any person who violates a provision of this By-law shall be subject to prosecution as provided for under Part XI of the Planning Act.

FRONTAGE

2. No development permit shall be issued unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected abuts and fronts upon a road.

LICENCES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS

3. 1. Nothing in this By-law shall exempt any person from complying with the requirements of the building by-law or any other by-laws in force within the Municipality or from obtaining any license, permission, permit authority or approval required by this or any other by-law of the Municipality of _____.

2. Where the provisions in this By-law conflict with those of any other municipal or provincial requirements, the higher or more stringent requirements shall prevail.

ACCESSORY USES PERMITTED

4. Where this By-law provides that any land may be used, or a building or structure may be erected or used for a purpose, the purposes includes any use accessory thereof.

NON-CONFORMING USES

5. Non-conforming uses shall be subject to Part VIII of the Planning Act of Nova Scotia, which is included in this By-law as Appendix A.

EXISTING UNDERSIZED LOTS

6. Notwithstanding anything else in this By-law, a vacant lot held in separate ownership from adjoining parcels on the effective date of this By-law, having

less than the minimum frontage or area required by this By-law, may be used for a purpose permitted in the zone in which the lot is located and a building may be erected on the lot provided that all other applicable provisions in this By-law are satisfied.

EXISTING BUILDINGS WITH NON-CONFORMING YARDS

7. Where a building has been erected on or before the effective date of this By-law on a lot having less than the minimum frontage or area, or having less than the minimum front yard or side yard or rear yard required by this By-law the building may be enlarged, reconstructed, repaired or renovated provided that:

a. the enlargement, reconstruction, repair or renovation does not further reduce the front yard or side yard or rear yard that does not conform to this By-law and

b. all other applicable provisions of this By-law are satisfied.

EXISTING LOTS

8. Notwithstanding anything else in this By-law the use of a building existing on a lot on the effective date of this By-law may be changed to a use permitted on the lot where the lot width, front yard, or area required or any two or all of these is less than the requirements of this By-law provided that all other requirements of this By-law are satisfied.

HEIGHT REGULATIONS

9. The height regulations of this By-law shall not apply to church spires, water tanks or towers, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, clock towers, drive-in theatre screens or airport control towers.

CONFORMITY WITH EXISTING SETBACKS

10. Notwithstanding anything else in the By-law, but subject to any setback requirements of the Department of Highways, in any Settlement or Residential Zone, structures built between existing buildings within two hundred (200) feet on the same block may be built with a setback equal to the average setback of the adjacent buildings, but this depth shall not be less than ten (10) feet from the front lot line and need not be greater than setback regulations prescribed in the zone in which it is situated.

TEMPORARY USES PERMITTED

11. 1. Nothing in this By-law shall prevent uses incidential to construction in progress such as a construction camp or other such temporary work camp, a tool shed, scaffold, or similar buildings incidental to construction including

These permitted encroachment provisions are taken from the Model Town Zoning By-law and are included here on the assumption that the density of development in the Residential and Settlement Zones would be similar to that in towns i.e. development on small lot sizes, close to the road and on municipal services. Depending on the size of the settlement these controls may or may not be appropriate. In non-settlement rural areas it may be reasonable to establish less stringent yard encroachment requirements.

It should also be noted that this section does not apply to accessory buildings. In some rural settlements or residential areas it may be desirable to include maximum floor area and setback requirements for accessory buildings. Standards of 750 square feet and 2 feet were suggested in the original Model Town Zoning By-law for these provisions, but these may be inappropriate as they were designed for garages.

a sales or rental office provided that a development permit has been issued for the construction until such construction has been finished or discontinued for a period of sixty days or unless no development permit is in force.

2. Nothing in the By-law shall prevent uses erected for special occasions and holidays provided only that no such use remains in place more than _____ consecutive days.

BUILDING TO BE MOVED

12. No person shall move any building, residential or otherwise, within or into the area covered by this By-law without obtaining a development permit from the Development Officer, unless otherwise exempted.

RESTORATION TO A SAFE CONDITION

13. Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure; in the case of a non-conforming use the provisions of Section 47 of the Planning Act of Nova Scotia shall prevail.

PERMITTED ENCROACHMENTS IN YARDS IN ANY RESIDENTIAL AND SETTLEMENT ZONES

14. Except for accessory buildings, every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky provided, however, that those structures listed in the following table shall be permitted to project for the specified distances, indicated as follows:

Structure	Yard in Which Projection is Permitted	Maximum Projection From Main Wall Permitted
Sills, belt courses, cornices, eaves, gutters, chimneys, pilasters, or canopies	Any yard	24 inches
Window Bays	Front, rear and flankage yards only	3 feet and a maximum width of 10 feet
Fire escapes and exterior staircases	Rear and side yards only	5 feet over a maximum width of 10 feet
Balconies	Front, rear and flankage yards only for single family semi-detached, duplex, and triplex dwellings, any yard for other residential buildings	6 feet

In some zones it may be appropriate to have these uses subject to less restrictive requirements than those of the S1 Zone.

Open, roofed porches not exceeding one storey in height, uncovered terraces	Front, rear and flankage yards only	8 feet including eaves and cornices

PUBLIC USES PERMITTED

15. Federal, Provincial and municipal offices and buildings shall be permitted in any zone provided that such uses conform with the applicable requirements of the Settlement (S1) Zone.

MULTIPLE USES

16. Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is conflict such as in the case of lot size or lot frontage, the higher or more stringent standard shall prevail.

TRUCK, BUS AND COACH BODIES

17. No trucks, bus, coach or street car body, or structure of any kind other than a mobile home or dwelling unit erected and used in accordance with this and all other by-laws of the Municipality shall be used for human habitation within the Municipality of _____, whether or not same is mounted on wheels.

BUILDING TO BE ERECTED ON A LOT

18. No person shall erect or use any building unless such building is erected upon a lot.

ONE MAIN BUILDING ON A LOT

19. No person shall erect more than one (1) main building on a lot except for:

a. buildings located in Commercial or Industrial Zones;

b. mobile homes located in a Residential Mobile Home Park (R3) Zone;

c. non-residential buildings located in a Rural Mixed Use (RM1) Zone, an Agricultural Resource (AR1) Zone, or a Mixed Resource Use (MR1) Zone;

d. single family detached dwelling units accessory to agricultural uses located in an Agricultural Resource (AR1) Zone.

If more specific control over accessory buildings is desired this section could be included in each zone where applicable. The requirements could then be based on the types of accessory buildings that might occur in that zone.

Subsections b and d of Section 20 are concerned mainly with aesthetics and could be omitted.

ACCESSORY BUILDINGS

20. 1. Accessory uses, buildings and structures shall be permitted in any zone within the Municipality of _____ but shall not:

a. be used for human habitation except where a dwelling is a permitted accessory use;

b. be located within the front yard of a lot;

c. be built closer to the front lot line or side yard line than the minimum distance required by this By-law for the main building on the lot. Where an accessory building is built on a corner lot, it shall be located in the rear yard or in the side yard which is not adjacent to the flanking road;

d. be built closer to the road on which the main building fronts than the main building is to that road;

e. be built closer than _____ feet to a lot line in a Settlement Zone and _____ feet in any other zone except that:

i. common semi-detached garages may be centered on the mutual side lot line, and

ii. accessory buildings with no windows or perforations on the side of the building which faces the said lot line, may be located a minimum of two (2) feet from the said lot line in any residential zone,

iii. boat houses and boat docks may be built to the lot line when the line corresponds to the water's edge.

f. except for non-residential accessory buildings in a Rural Residential (RR1) Zone, in a Rural Mixed Use (RM1) Zone, or accessory buildings in an Industrial Zone, exceed fifteen (15) feet in height;

g. except in a Rural Residential (RR1) Zone, in a Rural Mixed Use (RM1) Zone, or in an Industrial Zone, exceed 750 square feet in total floor area; and

h. be built within six (6) feet of the main building.

2. Notwithstanding anything else in this By-law, drop awnings, clothes poles, flag poles, garden trellises, fences and retaining walls shall be exempted from any requirements under Subsection 1.

ILLUMINATION

21. No person shall erect any illuminated sign or illuminate in an area outside any building unless such illumination is directed away from adjoining properties and any adjacent road.

CORNER VISION TRIANGLE

22. On a corner lot in any Settlement or Residential Zone, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than two (2) feet above grade of the roads that abut the lot within the triangular area included within the road lines for a distance of twenty (20) feet from their point of intersection.

YARD AND DENSITY EXCEPTION

23. Where in this By-law a front, side or rear yard is required and part of the area of the lot is usually covered by water or marsh, or is beyond the rim of a river bank or watercourse, or between the top and toe of a cliff or embankment having a slope of 30 percent or more from the horizontal, then the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the edge of said area covered by water or marsh, or the rim of said river bank or watercourse, or to the top of the said cliff or embankment if such area is closer than the lot lines.

LOADING SPACES

24. 1. In any zone, no person shall erect or use any building or structure for manufacturing, storage, warehouse, department store, retail store, wholesale store, market, freight or passenger terminal, hotel, hospital, mortuary or other uses involving the frequent shipping, loading or unloading persons, animals or goods, unless there is maintained on the same premises with every such building, structure or use one off-street space for standing loading and unloading for every thirty thousand (30,000) square feet or fraction thereof of building floor area used for any such purpose to a maximum of six (6) loading spaces.

2. Each loading space shall be at least twelve (12) feet by forty (40) feet with a minimum of fourteen (14) feet height clearance.

3. The provision of a loading space for any building with less than fifteen hundred (1,500) square feet shall be optional.

4. No such loading spaces shall be located within any required front yard or be located within any yard which abuts a Settlement, Residential, or Water Supply (03) Zone.

5. Loading space areas, including driveways leading thereto, shall be constructed of and maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.

The suggested parking standards in the Model Town Zoning By-law are recommended as a reasonable guide. The parking requirements in Section 25 are primarily intended for situations where parking will occur on the same lot as the use. The provision for parking "within the same zone" is to allow a person with two (perhaps small) lots in the same zone to provide parking on one lot for a use on another lot.

6. Entrance and exit to and from the required loading space areas shall be provided by means of unobstructed driveways of a minimum width of ten (10) feet if for one-way traffic or a minimum width of twenty (20) feet if for two-way traffic.

PARKING REQUIREMENTS

25. For every building or structure to be erected or enlarged, off-street parking located within the same zone as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule:

	TYPE OF BUILDING	PARKING REQUIRED
a.	A dwelling containing not more than three (3) dwelling units	_____ parking space(s) for each dwelling unit.
b.	All other dwellings	_____ parking space(s) for each dwelling unit.
c.	Churches, church halls, auditoria, restaurants, theatres, arenas, halls, stadia, private clubs, other places of assembly	Where there are fixed seats one (1) parking space for every _____ seats, or _____ feet of bench space. Where there are no fixed seats, one (1) parking space for each _____ square feet of floor area devoted to public use.
d.	Hospitals and nursing	One (1) parking space for each _____ beds or each _____ square feet of floor area, whichever is the greater.
e.	Senior citizen apartments	One (1) parking space for every _____ dwelling units.
f.	Hotels, staff houses, motels, tourist cabins	_____ parking space(s) per suite or rental unit. plus One (1) additional parking space for each _____ square feet of floor area devoted to public use [taverns, restaurants and auditoria] exclusive of lobbies and halls.
g.	Offices	One (1) parking space for _____ square feet of floor area.

In some situations it may be desirable to separate out other commercial (or industrial or institutional) uses and require more stringent parking standards.

h.	Shopping Centre	Parking area to be _____ times floor area, exclusive of common malls between stores.
i.	Funeral homes	One (1) parking space for each _____ seats capacity of the chapel with a minimum of _____ parking spaces.
j.	Bowling alleys and curling rinks	One (1) parking space for each _____ persons in the designated capacity of the establishment [designated capacity shall mean six (6) persons per bowling lane and eight (8) persons per curling sheet]. In other parts of the building additional parking spaces shall be provided in accordance with the requirements set out in this by-law for the uses to which the other parts of the building may be put.
k.	All other commercial uses	One (1) parking space for each _____ square feet of floor area.
l.	Elementary schools	_____ parking space(s) for each teaching classroom.
m.	High schools	_____ parking space(s) for each teaching classroom.
n.	Industrial uses	One (1) parking space for each _____ square feet of gross floor area plus parking space as per "g" above for any office space included in the development.

STANDARDS FOR PARKING AREAS

26. Where parking facilities for more than four (4) vehicles are required or permitted:

a. the parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;

b. the lights used for illumination of the parking lot or parking station shall be so arranged as to divert the light away from roads, adjacent lots and buildings;

The National Building Code (NBC) has been amended to include mobile homes as a type of single family dwelling. Most manufactures of mobile homes now meet the requirements of the NBC. Under these circumstances, it may not be appropriate to single out mobile homes as a specific permitted use, rather the definition of single family dwelling could be considered to include them. If so, this Section is no longer necessary.

c. a structure, not more than fifteen (15) feet in height and not more than fifty (50) square feet in area may be erected in the parking area for the use of attendants;

d. the parking area shall be within three hundred (300) feet of the location which it is intended to serve, and shall be situated in the same zone;

e. when the parking area is of a permanent hard surfacing, each parking space shall be clearly demarcated and maintained as such;

f. approaches or driveways to any parking area, other than that required for a single family dwelling, semi-detached, or a duplex dwelling shall be defined by a curb of concrete or rolled asphalt and the limits of the parking area shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance;

g. in addition the location of approaches or driveways shall be not closer than fifty (50) feet from the limits of the right-of-way at a road intersection;

h. entrance and exit ramps to parking areas shall not exceed two (2) in number and each such ramp shall be a width of twenty-five (25) feet at the street line and edge of pavement;

i. the width of a driveway leading to a parking or loading area, or a driveway or aisle in a parking area, shall be a minimum of ten (10) feet if for one-way traffic, and a minimum of eighteen (18) feet if for two-way traffic, and the maximum width of a driveway shall be twenty-five (25) feet.

SIDE YARDS ON CORNER LOTS

27. Notwithstanding anything else in this By-law, on a corner lot in any zone, no part of any building or accessory building shall be erected closer to the lot line of the flanking road than _____ feet.

MOBILE HOMES OUTSIDE OF PARKS

28. For the purpose of this By-law mobile homes located outside of mobile home parks shall be deemed to be single family dwellings.

SPECIAL PROVISIONS: ARTERIAL ROADS

29. The following special provisions shall apply to a lot fronting upon an arterial road as designated in the Municipal Development Plan of the Municipality of _____ .

Establishing that front yard setbacks apply to the two yards adjacent to the roads in the case of through lots provides sufficient setbacks for the Department of Highways requirements and for corner vision purposes.

If this section is included in a zoning by-law for a rural area it is important to include a definition of shopping centre in the by-law's definition section.

1. The minimum setback for a main building shall be fifty (50) feet measured from the road line to the nearest part of the main building,

2. Except for a through lot or an automobile service station located on a corner lot, no lot shall have access to an arterial road, if access to an alternative road is possible.

FRONT YARD FOR A THROUGH LOT

30. In the case of the through lot, the lot shall be deemed to front on both roads.

LOCATION OF SHOPPING CENTRES

31. For the purpose of this By-law, a shopping centre shall be deemed to be a separate land use and shall be permitted only within a Commercial Shopping Centre (C2) Zone.

SPECIAL REQUIREMENTS: AUTOMOBILE SERVICE STATIONS

32. Where automobile service stations are permitted in a Settlement, or Residential Zone, the following special provisions shall apply:

a. minimum lot frontage: 150 ft.;

b. no portion of any pump island shall be located closer than twenty (20) feet from any road line;

c. the minimum distance between ramps or driveways shall not be less than thirty (30) feet;

d. the minimum distance from a ramp or driveway to a road intersection shall be fifty (50) feet;

e. the minimum angle of intersection of a ramp to a road line shall be forty-five (45) degrees;

f. the width of a ramp shall be a minimum of twenty (20) feet; and a maximum of twenty-six (26) feet.

SETBACKS FROM WATERCOURSES

33. No person shall erect any building except a boathouse within _____ ( ) feet of the normal high water mark of any watercourse or ocean.

Part 6 Signs

Note: Please refer to the Model Town Zoning By-law for the sign provisions. In this part signs which are permitted or prohibited in all zones are identified and requirements are placed on the number and dimensions of the types of permitted signs [i.e. facial wall signs, projecting wall signs, ground signs and signs in residential zones]. In preparing a zoning by-law careful consideration should be given to the sign provisions as some of them may be unnecessary or invalid in a rural area. Possible exceptions to this might be the Settlement, Residential and Highway Commercial Zones where signs may present problems affecting public health or safety. As a result it may be advisable to consider limiting the size, number and location of signs in these areas.

Introduction to Settlement Zones

Rural Settlements are unincorporated communities and could be defined in a number of ways, for example by population density or services offered. Generally, the juxtaposition, scale, or mix of uses cause few perceived problems and it would probably be unnecessarily restrictive to segregate the uses as is done in towns.

In rural settlements the density of uses is usually higher than the surrounding rural area and the lot sizes are often smaller. In addition, certain uses often occur in rural settlements which, for various reasons may or may not occur elsewhere in the rural area [e.g. retail businesses often have population thresholds below which they would probably fail]. Zoning rural settlements so that they will be distinct from the surrounding rural area reinforces the traditional land use pattern. In Nova Scotia it may be acceptable to treat most rural settlements as a single mixed use zone.

It is intended that mixed use zones will provide some minimal protection and reduce the complexity of the development control process. Generally, it is not desirable to create non-conforming uses. Zoning for a wide range of uses minimizes this but each situation should be considered individually. Uses which might be considered obnoxious can be excluded, or they could be included in limited numbers as desired [see S2 Zone example, page 53]. The number of zoning amendments required is also reduced by the range of permitted uses.

The following two examples of settlement zones are based on these premises and attempt to allow all [or most] uses which would typically occur in a rural settlement. Careful consideration should be given to the nature of the rural area being zoned as it may not be desirable to apply these zones in certain circumstances.

In these example zones many varying lot sizes are given. For administrative purposes it may be easier to adopt a single lot size in conformance with the public health requirements. However, this may still not be appropriate for any multiple unit residential buildings as the Department of Public Health may require larger lot sizes in those circumstances.

Mixed use zones should be closely monitored over time to minimize any conflicts and anticipate any necessary zoning changes which may result from the growth of a rural settlement.

This example of a settlement zone describes a single mixed use zone which permits all uses which might occur in institutional, commercial, and residential zones (except intense forms of residential development such as apartment buildings which are not common in most rural settlements). This list of permitted uses may vary considerably from settlement to settlement. In a specific situation this broad list of uses would need to be tailored to suggest a more realistic range of probable uses. The lot sizes would typically be smaller than those required in non-settlement rural areas. No provision is made for any industrial uses (they could be zoned separately) as these are currently not typical of a large number of rural settlements (for further discussion see page 88). Nor are any highway commercial, commercial shopping centre or resource uses permitted.

In some rural settlements it may not be possible or desirable to exclude all industrial uses from such a mixed use zone. In this case the industrial use could be included as another category of permitted uses (for an example see S2 Zone page 45), or by individual zoning amendments — i.e. there would be an industrial zone in the by-law but the zoning map would only zone existing industrial uses, new industrial uses would be considered and zoned on a lot by lot basis.

In a zoning by-law uses that are not expressly permitted would be considered to be prohibited uses. As a result, any uses existing at the time that a by-law came into affect that were not specifically permitted would be considered non-conforming uses. These uses would be allowed to continue but would be subject to the restrictions of Part VIII of the Planning Act (see Appendix A). Listing any existing multiple unit residential dwellings as a permitted use in the S1 Zone allows residential uses, such as apartment buildings, that would otherwise be non-conforming uses, to avoid the restrictions affecting non-conforming uses. Any new residential uses would only be permitted if they conformed to the by-law (a new apartment building would not be permitted in this example). To be able to apply this provision a map showing all existing land uses must be prepared before the zoning by-law comes into affect so that it is clear which existing uses will be affected by the application of this provision.

Part 7 Settlement (S1) Zone

S1 USES PERMITTED

1. No development permit shall be issued in a Settlement (S1) Zone except for one or more of the following uses:

1. RESIDENTIAL USES:

Existing multiple unit residential dwellings;
Boarding, guest and rooming houses subject to Section 5;
Converted dwellings;
Duplex dwellings;
Mobile homes subject to single family dwelling unit requirements;
Recreational uses, parks and playgrounds subject to 01 Zone requirements;
Residential dwelling units located in the same building as any commercial use subject to Section 12;
Semi-detached dwellings;
Senior Citizen housing;
Single family detached dwellings;

2. INSTITUTIONAL USES:

Any institutional use incorporated under the Societies Act Ch. 286, R.S.N.S., 1967, or any private Act of incorporation;
Churches, places of worship, religious institutions and church halls;
Colleges, universities, and non-commercial schools;
Community centres;
Day nurseries subject to duplex requirements;
Elementary and secondary schools;
Government offices;
Hospitals and medical clinics;
Libraries, museums, art galleries;
Nursing homes, homes for the aged;
Private clubs;
YM(W)CA and YM(W)HA;

3. COMMERCIAL USES:

Automobile service stations including automobile washing establishments as an accessory use if conducted on the same lot subject to Section 3 of Part 20;
Banks and financial institutions;
Business and professional offices and consulting rooms;
Commercial schools;

There is often a wide range in the level of services available in rural settlements. In many cases there may be no demand or need for the installation of central services. In response to existing or anticipated conditions differing lot requirements could be developed for serviced and unserviced areas. This format could also be used for other uses with different levels of servicing, such as institutional uses. An additional set of requirements for partially serviced areas could also be developed. The Department of Health regulates the installation of septic tanks through the Regulations Respecting On-Site Sewage Disposal Systems. The lot requirements in a rural zoning by-law should conform to the standards in these regulations. Three set of standards are given for different environmental and site conditions and there is also a larger minimum lot area required for waterfront lots. An examination of the conditions which generally prevail throughout the area to be zoned should be done before a minimum standard is established. Standard lot requirements should not be set for all settlements without municipally approved sewer and water services as different conditions will probably occur from settlement to settlement resulting in different minimum standards being established.

The lot sizes for converted dwellings are intended to control new conversions.

Delicatessens, restaurants, and snack bars providing all dining facilities are within a wholly enclosed building;
Fire stations;
Funeral homes;
Hotels and motels;
News and magazine stands;
Parking lots and parking structures;
Photography studios;
Places of entertainment, recreation and assembly which are conducted within wholly enclosed buildings;
Printing establishments;
Repair stores;
Retail stores;
Service and personal service shops;
Train, taxi and bus stations.

S1 ZONE REQUIREMENTS

RESIDENTIAL USES

2. In a Settlement (S1) Zone no development permit shall be issued for a residential use except in conformity with the following requirements:

1. Residential uses permitted in a Settlement (S1) Zone where the lot is serviced with municipally approved central sanitary sewers and piped water.

	Single Family Detached Dwellings	Duplex Dwellings	Semi-Detached Dwellings	Converted Dwellings, Boarding and Guest Houses	Senior Citizen Housing
Minimum Lot Area:	____sq. ft.	____sq. ft.	____sq. ft. for each dwelling unit	____sq. ft. up to _____ units or guest rooms and ____sq. ft. for each unit or guest room over _____	____sq. ft. up to _____ units or guest rooms and ____sq. ft. for each unit or guest room over _____
Minimum Lot Frontage:	_____ft.	_____ft.	_____ft. for each dwelling unit	_____ft.	_____ft.

	Single Family Detached Dwellings	Duplex Dwellings	Semi-Detached Dwellings	Converted Dwellings Boarding and Guest Houses	Senior Citizen Housing
Minimum Front Yard:	_____ ft.	_____ ft.	_____ ft.	_____ ft.	_____ ft.
Minimum Rear Yard:	_____ ft.	_____ ft.	_____ ft.	_____ ft.	_____ ft.
Minimum Side Yard:					
one side	_____ ft.	_____ ft.	_____ ft.	_____ ft.	_____ ft.
other side	_____ ft.	_____ ft.	_____ ft.	_____ ft.	_____ ft.
Maximum Height of Main Building:	_____ ft.	_____ ft.	_____ ft.	_____ ft.	_____ ft.

3. Residential uses permitted in a Settlement (S1) Zone where municipally approved central sanitary sewers and piped water are not available.

	Single Family Detached Dwellings	Semi-Detached Dwellings Duplex Dwellings	Converted Dwellings Boarding and Guest Houses	Senior Citizen Housing
Minimum Lot Area:	_____ sq. ft.	_____ sq. ft. for each dwelling unit	_____ sq. ft. up to _____ units or guest rooms and _____ sq. ft. for each unit or guest room over _____	_____ sq. ft. up to _____ units or guest rooms and _____ sq. ft. for each unit or guest room over _____
Minimum Lot Frontage:	_____ ft.	_____ ft. for each dwelling unit	_____ ft.	_____ ft.

The frontage requirement for corner lots is probably only necessary where small lots (for example lots with a 50 foot frontage) are to be permitted.

The special requirements for converted dwellings, boarding and guest houses are primarily intended to control external appearance. They can be used, for instance, for historical preservation purposes or to preserve the character of a neighbourhood or community. As was noted in the Model Town Zoning By-law "the restriction on parking in the front yard is also based on a desire to preserve appearance but should be carefully weighed against the desire for rear yard amenity space since for many converted dwellings it will be an either/or situation". In particular, when developing the requirements for converted dwellings consideration should be given to keeping the lot requirements consistent with other existing residential lots. As is the case with all structural alterations or expansions, the provisions of the National Building Code would have to be satisfied.

	Single Family Detached Dwellings	Semi-Detached Dwellings Duplex Dwellings	Converted Dwellings Boarding and Guest Houses	Senior Citizen Housing
Minimum Front Yard:	_____ ft.	_____ ft.	_____ ft.	_____ ft.
Minimum Rear Yard:	_____ ft.	_____ ft.	_____ ft.	_____ ft.
Minimum Side Yard:				
one side	_____ ft.	_____ ft.	_____ ft.	_____ ft.
other side	_____ ft.	_____ ft.	_____ ft.	_____ ft.
Maximum Height of Main Building:	_____ ft.	_____ ft.	_____ ft.	_____ ft.

FRONTAGE ON CORNER LOTS

4. Where a lot abuts an intersection of roads, the minimum frontage required shall be _____ ft.

SPECIAL REQUIREMENTS — CONVERTED DWELLINGS, BOARDING AND GUEST HOUSES

5. In addition to all other requirements, the following requirements shall apply to converted dwellings, boarding and guest houses in a Settlement (S1) Zone:

1. Additions — No addition or alteration may be undertaken which changes the roof line or increases the height except for the addition of dormers, or extends into the front yard of the lot except for structures necessary for public safety purposes such as fire escapes.

2. Parking — Parking for converted dwellings and boarding houses shall be provided as required in Section 26 of Part 5 only in the side or rear yard of the lot.

3. Amenity area — For each unit in a converted dwelling or guest room in a boarding house, landscaped amenity area unobstructed by buildings or vehicular parking shall be provided according to the following schedule:

bachelor apartment	_____ sq. ft.
1 bedroom apartment	_____ sq. ft.
2 bedroom apartment	_____ sq. ft.

The special requirements for senior citizen housing included here are of doubtful legal validity although some municipalities have had this type of provision in their zoning by-laws for some time without difficulty. Subsections 2 and 3 of Section 6 may also be appropriate for apartments, if they are a permitted use in any zone. These amenities are often not provided and the lack can become a problem.

As mentioned on page 34 different standards could be developed for institutional and commercial uses occurring in serviced and unservices areas, although they may be complex to administer. Maximum lot coverage of the main building is an important consideration for institutional uses. These uses are rarely incompatible with the surrounding uses but the size and bulk of many institutional uses is often much larger than the adjacent uses. Maximum lot coverage should reflect such spatial considerations.

In rural settlements where pedestrian oriented shopping is desired the minimum front yard requirement for commercial uses may be inappropriate and could be omitted.

SPECIAL REQUIREMENTS – SENIOR CITIZEN HOUSING

6. Notwithstanding any of the above, the following requirements shall apply to Senior Citizen Housing:

1. Design capacity shall be limited to _____ persons per unit;

2. Common laundry areas must be provided;

3. A storage area must be provided at a minimum of _____ sq. ft. per unit in addition to the minimum floor area.

SPECIAL SIDE YARD: ATTACHED GARAGES AND GARAGES INCORPORATED IN THE DWELLING UNIT

7. Where a dwelling unit includes an attached garage or a garage incorporated into the unit the large minimum side yard shall be waived and the minimum side yard shall be 4 feet for a one-storey building and an additional 2 feet for every additional storey.

SPECIAL REQUIREMENT: RESIDENTIAL USES

8. Residential uses in a Settlement (S1) Zone are subject to the general requirements for all residential zones or uses (Part 9, page 51).

INSTITUTIONAL USES

9. In a Settlement (S1) Zone no development permit shall be issued for institutional uses except in conformity with the following requirements:

Minimum Lot Area:	_____ sq. ft.
Minimum Lot Frontage:	_____ ft.
Minimum Front Yard:	_____ ft.
Minimum Rear Yard:	_____ ft.
Minimum Side Yard:	_____ ft.
Maximum Floor Area:	_____ sq. ft.
Maximum Height of Main Building:	_____ ft.
Maximum Lot Coverage of Main Building:	_____ %

COMMERCIAL USES

10. In a Settlement (S1) Zone no development permit shall be issued for commercial uses except in conformity with the following requirements:

Minimum Lot Area:	_____ sq. ft.
Minimum Lot Frontage:	_____ ft.
Minimum Front Yard:	_____ ft.
Minimum Rear Yard:	_____ ft.
Minimum Side Yard:	_____ ft.
Maximum Height of Main Building:	_____ ft.

This section illustrates a technique for limiting the size of commercial operations in a mixed use S1 Zone where residential and commercial uses occur on the same lot or in the same building on the same lot. 1,000 square feet is the figure typically used in these circumstances, although in small communities 500 square feet may be more reasonable. In these circumstances automobile service stations should perhaps be excluded from having residential uses on the same lot. This should be examined in reference to what may be desirable for a particular settlement.

If using this section on maximum floor area or a similar provision it should conform to the requirements given in Section 20 of the General Provisions.

This requirement should relate to local conditions. It could apply to any uses on a lot not serviced with sewer and water (as illustrated), serviced only with water or only with sewers. Where mixed uses occur on a lot the higher or more stringent requirements prevail (see General Provision 16, page 15).

SPECIAL REQUIREMENT: COMMERCIAL USES

11. Commercial uses in a Settlement (S1) Zone are subject to the general requirements for all commercial zones or uses (Part 20, page 97).

SPECIAL REQUIREMENT: MAXIMUM FLOOR AREA

12. In addition to the above requirements, in a Settlement (S1) Zone where residential and commercial uses occur on the same lot, the maximum amount of floor area that can be used for commercial purposes shall be _____ sq. ft. exclusive of utilities and washrooms.

SPECIAL REQUIREMENT: NUMBER OF USES OR BUILDINGS ON UNSERVICED LOTS

13. Notwithstanding any other requirements of this zone no more than one building or two uses in one building shall be permitted on any lot not serviced with municipally approved central sanitary sewers and piped water.

In some rural settlements, for example where there might be a reasonably clear separation of uses and/or the scale of the settlement or uses may require it, it might be advantageous to have two or more mixed use zones. This would allow some segregation of the uses, without resorting to the extent of the segregation used in the towns. The following example is of a mixed use 'downtown core' zone which permits commercial, institutional and some industrial uses. It could be complemented by a primarily residential zone such as the Rural Residential (RR1) Zone example (page 55), with perhaps a greater diversity of uses than is illustrated in that example. Highway commercial, shopping centre commercial, many industrial uses and resource uses are also excluded from the S2 Zone.

Only existing residential uses or new residential units if they are located in the same building as a commercial use are permitted in this S2 Zone example. This restriction is intended to maintain the integrity of the commercial, industrial and institutional uses which are predominant in these areas. This may be unnecessarily restrictive and consideration should be given to expanding the list of permitted residential uses.

Part 8 Settlement Core (S2) Zone

S2 USES PERMITTED

1. No development permit shall be issued in a Settlement Core (S2) Zone except for one or more of the following uses:

1. RESIDENTIAL USES

Existing residential dwellings;
Residential dwelling units located in the same building as any commercial use;

2. INSTITUTIONAL USES:

Any institutional uses incorporated under the Societies Act Ch. 286, R.S.N.S. 1967, or any private Act of incorporation;
Churches, places of worship, religious institutions and church halls;
Colleges, universities, and non-commercial schools;
Commercial schools;
Elementary and secondary schools;
Government offices;
Hospitals and medical clinics;
Libraries, museums, art galleries;
Parks and playgrounds subject to 01 Zone requirements;
Private clubs;
YM(W)CA and YM(W) HA;

3. COMMERCIAL USES:

Automobile service stations including automobile washing establishments as an accessory use if conducted on the same lot subject to Section 3 of Part 20.
Banks and financial institutions;
Business and professional offices and consulting rooms;
Commercial schools;
Delicatessens, restaurants, and snack bars providing all dining facilities are within a wholly enclosed building;
Hotels;
News and magazine stands;
Parking lots and parking structures;
Photography studios;
Places of entertainment, recreation and assembly which are conducted within wholly enclosed buildings;
Printing establishments;
Repair shops;

As mentioned on page 42, it may be appropriate to omit any front yard requirement for commercial uses particularly in a settlement core zone.

Residential dwelling units located in the same building as commercial uses;
Retail stores;
Service and personal service shops;
Train, taxi and bus stations.

4. INDUSTRIAL USES:

Any manufacturing, industrial, assembly or warehousing operation conducted and wholly contained within an enclosed building and which is not obnoxious by reason of sound, odour, dust, fumes or smoke or other obnoxious emission or refuse matter or water carried waste or by reasons of unsightly open storage or the detonation of explosives;
Railway uses;
Service industries.

S2 ZONE REQUIREMENTS

SPECIAL REQUIREMENT: RESIDENTIAL USES

2. Residential uses in a Settlement Core (S2) Zone are subject to the general requirements for all residential zones or uses (Part 9, page 51).

INSTITUTIONAL USES

3. In a Settlement core (S2) Zone, no development permit shall be issued for institutional uses except in conformity with the following requirements:

Minimum Lot Area:	_____ sq. ft.
Minimum Lot Frontage:	_____ ft.
Minimum Front Yard:	_____ ft.
Minimum Rear Yard:	_____ ft.
Minimum Side Yard:	_____ ft.
Maximum Floor Area:	_____ sq. ft.
Maximum Height of Main Building:	_____ ft.
Maximum Lot Coverage of Main Building:	_____ %

COMMERCIAL USES

4. In a Settlement Core (S2) Zone no development permit shall be issued for commercial uses except in conformity with the following requirements:

Minimum Lot Area:	_____ sq. ft.
Minimum Lot Frontage:	_____ ft.
Minimum Front Yard:	_____ ft.
Minimum Rear Yard:	_____ ft.
Minimum Side Yard:	_____ ft.
Maximum Floor Area:	_____ sq. ft.
Maximum Height of Main Building:	_____ ft.

SPECIAL REQUIREMENT: COMMERCIAL USES

5. Commercial uses in a Settlement (S2) Zone are subject to the general requirements for all commercial zones or uses (Part 20, page 97).

INDUSTRIAL USES

6. In a Settlement Core (S2) Zone no development permit shall be issued for industrial uses except in conformity with the following requirements:

Minimum Lot Area:	_____ sq. ft.
Minimum Lot Frontage:	_____ ft.
Minimum Front Yard:	_____ ft.
Minimum Rear Yard:	_____ ft.
Minimum Side Yard:	_____ ft.
Maximum Floor Area:	_____ sq. ft.
Maximum Height of Main Building:	_____ ft.
Maximum Lot Coverage of Main Building:	_____ %

SPECIAL REQUIREMENT: INDUSTRIAL USES

7. Industrial uses in a Settlement (S2) Zone are subject to the requirements of Sections 3 through 6 inclusive of Part 18.

SPECIAL REQUIREMENT: NUMBER OF USES OR BUILDINGS ON UNSERVICED LOTS

8. Notwithstanding any of the above no more than one building or two uses in one building shall be permitted on any lot not serviced with municipally approved central sanitary sewers and piped water.

The use of part of a residential dwelling or accessory building in a rural area for business or professional purposes is an accepted, and often necessary, part of rural life. The standards used to regulate such activities should be carefully examined so that they are not unnecessarily restrictive. The point at which these activities are no longer secondary and should therefore be moved to the appropriate commercial or industrial zone must be considered. The setting of standards will require an examination of what types and intensity of uses are least disruptive to the adjacent uses. In some cases a general provision section such as this may not be necessary at all, or the requirements could be written into a specific zone if they apply in only one or perhaps two zones.

In the S1 and S2 Zones a small sign area of 5 square feet may be acceptable, but in other areas a larger sign size may be desirable.

This section permits business uses in buildings accessory to residential dwellings in certain zones. If this is not desirable this section should be omitted.

Part 9 General Provisions For All Residential Zones and All Residential Uses in S1, RM1, AR1 or MR1 Zones

BUSINESS USES PERMITTED

1. Nothing in this By-law shall prevent the use of a residential dwelling in a Rural Residential (RR1), Residential Mobile Home Park (R3), a Settlement (S1 or S2), a Rural Mixed Use (RM1), or Resource (AR1 or MR1) Zone for business or professional purposes or for domestic or household arts provided that:

   a. the dwelling is occupied as a residence by the user and the external appearance of the dwelling is not changed by the business or professional use;

   b. there shall not be more than _____ assistants who are not residents in the dwelling employed in the business or profession;

   c. not more than _____ (_____%) percent of the total floor area of the dwelling is devoted to the professional or business use;

   d. one off-street parking space, other than that required for the dwelling, is provided for every two hundred (200) square feet of floor space occupied by the business or professional use;

   e. there shall be no advertising other than a business identification plate or sign which has a maximum sign area of _____( ) square feet and which is attached to the main building and provided also that the provisions of Part 6 are satisfied;

   f. no mechanical equipment is used except that reasonably consistent with the use of a dwelling; and

   g. not more than ten (10 %) percent of the total lot area shall be used for open storage or outdoor display purposes.

2. Not withstanding Section 1, an accessory building in any residential zone or to any residential use in a Resource, S1, RR1, R3 or RM1 Zone shall be permitted to be used for business or professional purposes subject to the following provisions:

   a. Parking — Requirements shall be the same as Section 1(d) of this Part;

   b. Signs — Requirements shall be same as Section 1(e) of this Part.

The maximum floor area requirement would have to be fairly small (e.g. 100 to 250 sq. ft.), otherwise the structure would not be considered an accessory building.

It may also be desirable to restrict the number of commercial vehicles permitted to park on a lot in an S1 and S2 Zone.

Relating lot size (and frontage requirements) to slope conditions is an attempt to respond to a site's physical limitations for development by ensuring that a large enough area suitable for the siting of any structures is provided and to minimize erosion potential. If this provision was used in a zoning by-law it would be necessary to state how the natural slope would be measured over the site. Refer to Appendix B for a fuller discussion of this and other simplified environmental performance standards. It should be noted that residential uses in a RM1 Zone or resource zone were excluded from this requirement, it was felt that the lot sizes required in a RM1 Zone should be large enough to adequately compensate for any slope conditions. The application of this type of special requirement would require information about a site's slope conditions, such as a survey or small scale (1:100) map with small contour intervals (i.e. 5 feet), at the permit application stage.

c. Maximum floor area _____ sq. ft.

d. not more than ten (10 %) percent of the total lot area shall be used for open storage or outdoor display purposes.

DOMESTIC AND HOUSEHOLD ARTS PERMITTED IN ANY RESIDENTIAL ZONE AND ANY RESIDENTIAL USES IN S1, RM1 OR RESOURCE ZONE

3. For the purposes of this By-law domestic and household arts shall include:

Arts and craft, weaving, painting, sculpturing, molding, ceramics or otherwise making or repairing of garden or household ornaments, articles of clothing, furniture;
Catering;
Dressmaking and tailoring;
Hairdressing and barber shops;
Instruction in music, dancing;
Making or repairing of personal effects or toys.

PARKING OF COMMERCIAL MOTOR VEHICLES

4. 1. For the purpose of this Part, "Commercial Motor Vehicles" shall mean any motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, motor buses and tractors.

2. No commercial motor vehicle shall be kept or parked on any vacant lot in a RR1 or R3 Zone.

SPECIAL REQUIREMENT: SLOPE

5. On any lot in any residential zone or for any residential uses in an S1 Zone which has a natural slope greater than _____ % the minimum lot requirement shall be increased by _____ square feet and the minimum frontage by _____ feet for each and every degree or portion thereof of slope over _____ %.

The rural areas adjacent to the towns and cities in Nova Scotia often experience 'urban fringe' land uses and development pressures which are generated by, and oriented toward, the towns or cities. Relatively intensive residential development is one of the land uses that often occurs in these fringe areas and is often not typical of the intensity or mix of development in the rest of a rural area. This example of a rural residential zone is an attempt to recognize and maintain the mainly residential character of such areas. This type of zone could also be used for those rural settlements that are largely residential in character or, as mentioned on page 44 could be used in conjunction with the Settlement Core (S2) Zone to allow a degree of use separation in rural settlements.

This example is based on the assumption that most areas zoned RR1 would be unserviced, and generally might be expected to continue as such. The lot requirements should probably relate to the standards given in the Department of Health's Regulations Respecting On-Site Sewage Disposal Systems.

Local convenience stores could be permitted using conditional zoning (Section 33[5] of the Planning Act), by rezoning or they could be limited by square footage, as in this example. In this case it would probably be appropriate to use standards similar to those for a single family dwelling to keep the size and character consistent with the other uses in the zone.

For further information on the requirements for accessory buildings in the RR1 Zone refer to Section 14 in the General Provisions on page 13 and the accompanying explanatory note on facing page 12.

Part 10 Rural Residential (RR1) Zone

RR1 USES PERMITTED

1. No development permit shall be issued in a Rural Residential (RR1) Zone except for one or more of the following uses:

All uses permitted in the 01 Zone subject to 01 Zone requirements;
Boarding houses;
Churches, places of worship, religious institutions and church halls;
Community centers;
Converted dwellings;
Day nurseries subject to S1 Zone requirements;
Duplex and semi-detached dwellings;
Existing multiple unit residential dwellings;
Fire stations;
Local convenience stores to a maximum floor area of _____ sq. ft. per lot;
Single family detached dwellings.

RR1 ZONE REQUIREMENTS

2. In a Rural Residential (RR1) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area:	_____ sq. ft. or acres
Minimum Lot Frontage:	_____ ft.
Minimum Front Yard:	_____ ft.
Minimum Rear Yard:	_____ ft.
Minimum Side Yard:	_____ ft.
Maximum Height of Main Building:	_____ ft.

SPECIAL REQUIREMENTS: NUMBER OF USES OR BUILDINGS ON UNSERVICED LOTS

3. Notwithstanding any of the above no more than one building or two uses in one building shall be permitted on any unserviced lot.

4. Nothing in this by-law shall prevent the use of an accessory building in a RR1 Zone for the keeping of animals providing that:

1. the lot shall be a minimum of _____ acres;

2. the accessory building shall be a minimum of _____ ft. from any adjacent lots;

If this provision is used to limit the number of animals in a RR1 Zone, it is necessary to define animal units. Animal units equate the different kinds of livestock that would be permitted in a RR1 Zone and specify the numbers of each that would be considered equivalent to an animal unit (i.e. 1 dairy cow and 4 sheep could each be considered as 1 animal unit).

3. the accessory building shall be a minimum of _____ from the main residential dwelling;

4. no more than _____ ( ) animal units are permitted for each acre or less of lot area. Combinations of different types of livestock are allowed provided the maximum number of animal units is not exceeded.

SPECIAL REQUIREMENT: RESIDENTIAL USES

5. Residential uses in a Rural Residential (RR1) Zone are subject to the general requirements for all residential zones or uses (Part 9, page 51).

Litigation in Ontario suggests that cottage development is not a specialized use of land. As a result it is not possible to differentiate between cottages and any other residential use. In the past, as cottages were intended for seasonal (mainly summer) use only, they were often developed with reduced lot requirements. Cottages are now often intended for year round recreational use and are subject to uncontrolled conversion to year round residential use. Cottages developed with on-site services are subject to the requirements of the Department of Health's Regulations Respecting On-Site Sewage Disposal Systems. Conversion of cottages to permanent residential use creates demands for amenities and services which are normally associated with other types of residential development. Yet these services are often unavailable or difficult and expensive to provide, as cottages are typically remote from population centers. It is not possible, through zoning, to prevent conversions, nor does there appear to be any effective way of dealing with the land use and servicing problems created by conversions. These situations should be anticipated by requiring cottages to meet standards similar to those for other types of residential development. It is possible to use zoning to limit the number of amenities (stores, day care facilities) available in cottage developments (the following example illustrates this type of zone), although this will probably do little to discourage conversions in the long run. The Discussion Paper on Seasonal Residential Conversions (February, 1978, Ontario Ministry of Housing) suggest that plans "could state that seasonal dwelling areas would receive public services adequate to permit vacation or weekend use but they would not be of a standard or frequency associated with permanent occupancy", zoning by-laws could enforce this type of policy through limited services zoning as shown in this example. In zoning, watercourse setbacks, frontage requirements and lot sizes may be the best controls over cottage development.

Subdivision controls can help minimize problems caused by converting private roads in the cottage developments to public roads. Subdivision by-laws often require minimum construction standards (Department of Highways class C forest road standards) for private roads in subdivisions. This prevents the constuction of unacceptable roads and ensures that the conversion from private to public roads can be done with acceptable setbacks. Subdivision regulations generally permit private roads if the road right-of-way and contours will meet the Department of Highway's regulations regarding road standards. If there is good public road access in an area being considered for a RR2 Zone, one of the criteria in the Municipal Development Plan could be that the maximum distance from a public road be considered.

Part 11 Recreation Residential (RR2) Zone

RR2 USES PERMITTED

1. No development permit shall be issued in a Recreation Residential (RR2) Zone except for the following use:

   Single family detached dwellings.

RR2 ZONE REQUIREMENTS

2. In a Recreation Residential (RR2) Zone no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area:	_____ sq. ft.
Minimum Lot Frontage:	_____ ft.
Minimum Side Yard:	_____ ft.
Maximum Height of Main Building:	_____ ft.
Minimum distance of Main Building from any Watercourse or Ocean:	_____ ft.

SPECIAL EXCEPTIONS: DOCKS AND BOATHOUSES

3. Notwithstanding Section 2 above nothing in this by-law shall prevent the construction of any dock or boathouse in a RR2 Zone.

A mobile home park by-law can deal with some of the same considerations as a mobile home park zone (i.e. size of mobile home space), but it can also deal with such additional matters as the licensing and operation of mobile home parks (i.e. garbage and snow removal). The adoption of a mobile home park by-law is encouraged as it is easier to control these matters by licensing rather than under zoning. It should be noted that the law considers a mobile home park to be single lot. The mobile home owner rents a portion of the lot (mobile home space) from the lot owner. In some rural areas it may be desirable to adapt this zone to permit both mobile home parks and mobile home subdivisions.

The controls in Sections 2 and 3 relate to the issuing of a development permit for locating a mobile home or mobile home park office within a mobile home park. If there is a mobile home park by-law in force, there will probably be a licensing requirement for the park. A license could also be required for locating a mobile home on a mobile home space or alternatively the only requirement may be a development permit indicating conformance with Sections 2 and 3.

Part 12 Residential Mobile Home Park (R3) Zone

R3 USES PERMITTED

1. No development permit shall be issued in a Residential Mobile Home Park (R3) Zone except for one or more of the following uses:

Laundromats and local convenience stores to a maximum floor area of _____ sq. ft.;
Maintenance equipment storage for equipment uses in the maintenance of the mobile home park;
Mobile homes;
Mobile home parks;
Mobile home park offices;
Mobile home sales office and display space;
Recreational uses, parks and playgrounds subject to 01 Zone requirements;
Uses related and incidental to the operation of a mobile home park.

R3 ZONE REQUIREMENTS

2. In a Residential Mobile Home Park (R3) Zone no development permit shall be issued except in conformity with the following requirements:

Minimum Mobile Home space area:	_____ sq. ft.
Minimum Mobile Home space frontage:	_____ ft.
Minimum Front Yard	
— one side:	_____ ft.
— other side:	_____ ft.
Minimum Rear Yard:	_____ ft.
Minimum No. of Mobile Home spaces/ mobile home park:	_____ spaces
Maximum no. of Mobile Home spaces/ mobile home park:	_____ spaces
Minimum recreational space:	_____ % of site
Maximum mobile home display space:	_____ % of site area to a maximum of _____ display mobile homes.

SPECIAL REQUIREMENT: MOBILE HOME SALES OFFICES

3. A maximum of 1 mobile home sales office shall be permitted for each mobile home park. Mobile home sales offices shall conform to the requirements for a mobile home space as provided for in Section 2.

Sections 4 and 5 may be of doubtful legal validity in a zoning by-law; such provisons are usually found in a mobile home park by-law.

SPECIAL REQUIREMENT: SERVICES REQUIRED

4. No development permit shall be issued unless municipally approved central sanitary sewer services or private sewage treatment facilities approved by the Departments of Health and Environment are provided.

SPECIAL REQUIREMENT: SEWAGE HOOK UPS

5. In addition to all other requirements no development permit shall be issued unless sewage hook-ups are provided for each mobile home space and a prepared area for the siting of each mobile home on a mobile home space is provided.

CONFORMITY WITH MOBILE HOME PARK BY-LAW

6. Nothing in this Zoning By-law shall exempt any person from complying with the provisions of the Municipality of _____ Mobile Home Park By-law.

Introduction to Rural Mixed Use Zones

In rural Nova Scotia many uses occur which would often be segregated into several different zones in a town. Traditionally the juxtaposition, scale and density of these uses tend neither to require nor justify such zoning in rural areas. The reasons for segregation of uses (e.g. obnoxious effects, protection of property values, incompatible uses or conflicts) are not often perceived as problems in rural areas. The use of various separate zones would place many unnecessary restrictions on rural land use, and would probably create the need for an excessive number of zoning amendments. The use of one (or more) mixed land use zone would recognize the traditional rural land use patterns and would attempt to avoid placing unnecessary useful restrictions on the uses. The following rural mixed use zones illustrate some useful techniques. Each example is based on the assumption that any rural settlements have already been zoned. (Settlement zones are discussed on pages 33 to 49).

Example A is a rural mixed use zone which permits most of the uses which might traditionally occur (or might be expected to occur) in a rural area. It was developed for situations where a rural area may either have no major land based economic (resource) activities or may not wish to use zoning to protect or segregate any resources it may have. To illustrate a use of Section 43(3) of the Planning Act, permitted uses which are not intended for human occupation are excused from requiring development permits. The reasons for excusing a use from requiring a development permit should be carefully considered as other criteria may be more appropriate.

Mobile home parks in a rural mixed use area could be zoned using the Mobile Home Park (R3) Zone or they could be listed as a permitted use in the RM1 Zone, if this is considered appropriate.

Part 13 Example A: Rural Mixed Use (RM1) Zone

RM1 USES PERMITTED

1. No development permit shall be issued in a Rural Mixed Use (RM1) Zone except for one or more of the following uses:

Agricultural uses;
Animal hospitals and veterinary establishments;
All uses permitted in on 01 Zone less than _____ acres;
Animal kennels and stables;
Automobile service stations including washing establishments as an accessory use if conducted on the same lot subject to Section 3 of Part 20;
Automobile related commercial recreational establishments;
Banks and financial institutions;
Boarding and guest houses subject to S1 Zone requirements;
Business and professional offices;
Cemeteries less than _____ acres;
Churches, places of worship, religious institutions, and church halls;
Community centers;
Duplex dwellings;
Elementary and secondary schools;
Existing multiple unit residential dwellings;
Fire stations;
Forestry uses;
Funeral homes;
Hotels and motels;
Mobile homes not located in mobile home parks subject to single family detached dwelling requirements;
Places of entertainment, recreation and assembly if within wholly enclosed buildings;
Printing establishments;
Private clubs;
Repair shops;
Residential dwelling units located in the same building as any commercial use;
Restaurants;
Retail stores;
Salvage yards subject to Section 4;
Service and personal service shops;
Single family detached dwellings;
Train, taxi and bus stations.

2. Notwithstanding Section 1, no development permit shall be required in a Rural Mixed Use (RM1) Zone for the following uses where the lot size is not less than _____ acres:

In rural areas, where large minimum lot sizes are required, yard setbacks continue to be important. Front yard requirements should be consistent with the setbacks required by the Department of Highways. Lot boundaries are often not surveyed, side and rear yards help protect the owner's property rights from errors, especially where building siting is involved.

The operation of a salvage yard within 1500 feet of the centreline of a public road requires a permit from the Board of Commissioners of Public Utilities.

The Nova Scotia Federation of Agriculture Guidelines for Farm Waste Management (December, 1976) deals with proper manure handling and spreading, pollution control practices and separation distances for agricultural operations. The Federation of Agriculture considered that the use of buffer areas, setbacks and side yards based on the application and interpretation of the Guidelines would promote the co-existence of agricultural operations and other land uses. The Guidelines suggest that a 2000 ft. setback should be maintained between land zoned for residential or institutional uses and an intensive livestock operation, manure pile, burial site or incinerator for animals (and vice versa). The Guidelines further suggest that a distance of 200 ft. be maintained between these uses and any adjacent properties, other than from another livestock operation. Setbacks of 150 ft. from the edge of a provincial highway and 300 ft. from any private well or watercourse are suggested as well. Although these setback standards are restrictive they may be appropriate for a rural mixed use zone because of the mix of permitted uses.

Section 5 provides a setback between agricultural and adjacent non-agricultural uses in a RM1 Zone to minimize conflict. It may be desirable in some rural areas to consider exceptions to this setback if the adjacent uses are agricultural. Such an exception should be carefully considered as it could cause problems in the long term if one of the agricultural uses is converted to a non-agricultural use.

All uses permitted in an 01 Zone;
Cemeteries;

RM1 ZONE REQUIREMENTS

3. In a Rural Mixed Use (RM1) Zone, no development permit shall be issued except for the following requirements:

Minimum Lot Area:	_____ acres
Minimum Lot Frontage:	_____ ft.
Minimum Front Yard:	_____ ft.
Minimum Rear Yard:	_____ ft.
Minimum Side Yard:	_____ ft.
Maximum Height of Main Building:	_____ ft.

SPECIAL REQUIREMENT: SALVAGE YARDS

4. A minimum separation distance of _____ ft. shall be maintained between any salvage yard and any adjacent structures excepting accessory buildings.

SPECIAL REQUIREMENTS: AGRICULTURAL USES

5. No development permit shall be issued for any barn, kennel, stable or other agriculture related structure within _____ ft. of the adjacent lot line.

6. A minimum separation distance of _____ ft. shall be maintained between any agriculture related structures and any adjacent non-agricultural uses.

7. A minimum separation distance of _____ ft. shall be maintained between any agriculture related structures and any watercourse or ocean.

SPECIAL REQUIREMENTS: RESIDENTIAL USES

8. Residential uses in a Rural Mixed Use (RM1) Zone are subject to the general requirements for all residential zones or uses (Part 9, page 51).

SPECIAL REQUIREMENT: COMMERCIAL USES

9. Commercial uses in a Rural Mixed Use (RM1) Zone are subject to the general requirements for all commercial zones or uses (Part 20, page 97).

Example B is a further exploration of the technique of excusing specific uses from requiring a development permit (but it should be noted that a complete example zone has not been developed and that the requirements for this zone would have to be developed similar to those for Example A). The criteria used for selecting those permitted uses which do not require development permits were: level of traffic generation, obnoxious effects on adjacent uses, and potential waste management problems. These criteria would have to be fully explored and developed in the municipal development plan. A reason for using this technique could be a desire to permit specified uses in a zone while controlling only those which have or are expected to generate land use problems.

In previous examples all commercial uses, including automobile service stations, were permitted subject to the general requirements for all commercial uses or zones (Part 20, page 97). In this example only the automobile service stations are subject to those provisions. This choice should be based on an examination of the potential problems that could be created by these uses (hours of operation, traffic, noise etc.).

The required lot sizes for the permitted uses may vary for the types of uses listed here. For criteria to consider in developing the lot size requirements see pages 36 and 52 for residential uses, and pages 40, 50 and 54 for commercial uses.

Part 14 Example B: Rural Mixed Use (RM1) Zone

RM1 USES PERMITTED

1. No development permit shall be issued in a Rural Mixed Use (RM1) Zone except for one or more of the following uses:

Agricultural uses involving buildings;
Animal kennels or stables;
Automobile related commercial recreational establishment;
Automobile service stations including washing establishments as an accessory use if conducted on the same lot subject to Section 3 of Part 20;
Banks and financial institutions;
Elementary and secondary schools;
Fire stations;
Forestry uses;
Funeral homes;
Hotels and motels;
Places of entertainment, recreation and assembly which are conducted within wholly enclosed buildings;
Residential dwelling units located in the same building as any commercial use;
Restaurants;
Retail stores;
Salvage yard;
Train, taxi and bus stations.

2. Notwithstanding Section 1 above, no development permit shall be required in a Rural Mixed Use (RM1) Zone for the following uses with a minimum lot size of _____ acres. Any of the following uses with a lot size less than _____ acres shall require a development permit. No development permit shall be issued unless the minimum lot size is _____ sq. ft.

Agricultural uses involving no buildings;
All uses permitted in an 01 Zone subject to 01 Zone requirements;
Animal hospitals and veterinary establishments;
Boarding and guest housies subject to S1 zone requirements;
Business and professional offices;
Cemeteries;
Churches, places of worship, religious institutions and church halls;
Community centres;
Duplex dwelling;
Existing multiple unit residential dwellings;
Mobile homes not located in mobile home parks subject to single family detached dwelling requirements;

Printing establishments;
Private clubs;
Repair shops;
Service and personal service shop;
Single family detached dwellings.

NOTE: For a discussion of the zone requirements see page 70.

In some rural areas where there may be little development pressure and/or few land use problems or conflicts it may be desirable to permit all uses without restriction, with a few exceptions perhaps. Example C illustrates this situation. In this circumstance it could be cumbersome to list all of the permitted uses; listing the prohibited uses rather than the permitted uses is an option here. This technique must be used with care as all uses not listed as prohibited are deemed to be permitted uses. The permitted uses can occur by right or be required to obtain a development permit and meet specified requirements as in this example. A development permit would be necessary to obtain compliance with any requirements. If there is no desire to have lot requirements, the permitted uses could be exempted from requiring a development permit. If no development permit were required, Section 1 would have to be rewarded similar to Section 2 on page 71.

In some rural areas it may be desirable to establish a relatively low minimum frontage requirement (no less than 20 feet) to provide vehicular and pedestrian access to a lot. This would allow the development of staggered, two tiered lots, one with conventional frontage and the second as a rear lot with reduced frontage. This situation would require a careful examination of the yard definitions in the by-law, as the other lot requirements should be applied at the building line to provide the necessary area for building and septic tank siting.

It should be noted that the lot requirements in Section 3(2) (for large commercial and industrial uses) should be larger than those required in Section 2 for all of the other uses permitted in this RM1 Zone example. A section dealing with abutting zone requirements for industrial uses (such as the one illustrated on Section 3, page 89) may also be appropriate in a RM1 Zone if industrial uses are permitted.

Part 15 Example C: Rural Mixed Use (RM1) Zone

RM1 USES PROHIBITED

1. No development permit shall be issued in a Rural Mixed Use (RM1) Zone for one or more of the following uses:

   Automobile sales establishments;
   Boat, trailer, motorcycle and snowmobile sales and rentals;
   Display courts featuring swimming pools, decorative fountains, prefabricated cottages and mobile homes;
   Shopping centres.

2. All other uses are deemed to be permitted uses in a Rural Mixed Use (RM1) Zone, and no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area:	_____	acres
Minimum Lot Frontage:	_____	ft.
Minimum Front Yard:	_____	ft.
Minimum Rear Yard:	_____	ft.
Minimum Side Yard:	_____	ft.
Maximum Height of Main Building:	_____	ft.

SPECIAL REQUIREMENTS: LARGE COMMERCIAL AND INDUSTRIAL USES

3. 1. A commercial or industrial development greater than _____ acres in area or valued in excess of $_____ shall be deemed to be a large commercial or industrial use for the purposes of this Part.

   2. No development permit shall be issued for any large commercial or industrial uses except in conformity with the following requirements:

Minimum Lot Frontage:	_____	ft.
Minimum Front Yard:	_____	ft.
Minimum Rear Yard:	_____	ft.
Minimum Side Yard:	_____	ft.
Maximum Floor Area:	_____	sq. ft.
Maximum Height of Main Building:	_____	ft.
Maximum Lot Coverage of Main Building:	_____	%

4. Notwithstanding Section 3 above, no development permit shall be issued for any large commercial or industrial uses unless the following provisions are met:

Maximum lot coverage provisions are designed to provide areas of open space beyond those provided by the setback provisions particularly where large developments are involved. They are usually calculated on the basis of the area of the lot covered by the main building (as on pages 49, 89 & 105).

This example of a lot coverage provision is designed to maximize vegetation retention and groundwater recharge. Therefore, the amount of lot coverage is calculated on the basis of all the impervious surfaces on the lot. The vegetation that would be retained could act as a visual and a sound buffer with adjacent uses (depending upon the type of vegetation). A provision specifically requiring some form of adequate screening or buffering when adjacent to residential or institutional uses is also included. An indication of what would be considered an "opaque visual barrier" could be provided in the zoning by-law. This could include certain types of fencing or specified depths and types of vegetation.

1. A maximum lot coverage of _____ % of the lot shall be permitted; accessory buildings, paved parking lots or other impervious surfaces shall be deemed to be structures for the purpose of this calculation.

2. Any large industrial or commercial uses adjacent to any residential or institutional uses shall be required to provide screening or buffering which will act as an opaque visual barrier.

Introduction to Resource Zones

In some rural areas Council may wish to protect any land based economic (resource) activities or potential which may exist in the area. It is important for resource zones to be sufficiently permissive to allow resource supportive (or non-interferring) uses to occur, while still protecting the resource base.

Two examples are given here: an agricultural zone and a mixed resource use (agriculture and forestry) zone. The agricultural zone is fairly restrictive, while the mixed resource zone illustrates a wider range of uses. A restrictive agricultural zone should probably be used only for the prime agricultural areas such as CLI class 2 and 3. It is important to remember in discussing resource zones that the law has established that any forms of mining (including sand and gravel extraction) cannot be considered land uses; therefore their location cannot be regulated through a zoning by-law (see page 92). Ontario legislation permits the regulation of mining activities as a use of land — however there is no equivalent legislation in Nova Scotia.

If only part of a rural area is being zoned for resource use, the remaining areas could be zoned for rural mixed use. If a resouce zone is land extensive consideration should be given to the inclusion of uses normally permitted only in the settlement or rural mixed use zones. Consideration could also be given to allowing certain uses to occur without requiring a development permit.

In the Agricultural Resource Zone new single family residential dwellings are only permitted if they are accessory to agricultural uses. This is very restrictive as it would prevent any other form of new residential development from occuring in the areas zoned AR1. This is based on the assumption that residential development, either singly or in residential subdivisions, is a major land use activity removing good agricultural land from production in prime agricultural areas. Again, it is stressed that this type of restrictive zone is probably only suitable for use in prime agricultural areas such as CLI class 2 and 3.

A few non-resource related uses such as churches, service stations and fire stations are included in this example. This gives an indication of the types of uses which might be considered desirable to be included in an Agricultural Resource Zone if the area zoned is so large as not to provide access to these facilities within a reasonable distance.

Agricultural uses generally require larger lot sizes than non-agricultural uses. Such large lot requirements may be excessive for the non-agricultural uses. This would require the development of two sets of standards that would be more sensitive to these differences. Lot sizes for non-agricultural uses should be quite small to prevent removing the resource lands from resource use.

The permitted use "agricultural industries" is intended to include both the processing of agricultural products (see definition of agricultural use page 1) and industries servicing agriculture such as wholesale grain or feed operations, or warehousing for agricultural products.

Permitting single family dwelling units accessory to agricultural uses allows more than 1 residential unit on one lot. This is a complicated matter as it entails problems with lot severances. The criteria for using this type of provision would have to be carefully developed in the municipal development plan. Examples of such criteria have not been developed here.

In considering maximum height requirements of the main buildings for agricultural uses, it should be noted that agricultural related structures are the main buildings rather than a residential structure.

Part 16 Example A: Agricultural Resource (AR1) Zone

AR1 USES PERMITTED

1. No development permit shall be issued in an Agricultural Resource (AR1) Zone except for one or more of the following uses:

1. AGRICULTURAL USES:

Agricultural industries;
Agriculture related structures providing that such structures shall not be used for human habitation;
Agricultural uses including farm woodlots, fur farms, garden nurseries, green houses, and animal kennels and stables;
Retail uses accessory to agricultural uses to a maximum floor area of _____sq. ft.;
Single family detached dwelling units accessory to agricultural uses;

2. NON-AGRICULTURAL USES:

Animal hospitals and veterinary establishments;
Agriculture related repair shops;
Automobile service stations including automobile washing establishments as an accessory use if conducted on the same lot subject to Section 3 of Part 20;
Churches, places of worship, religious institutions and church halls;
Existing residential dwellings;
Fire stations;
Local convenience stores to a maximum floor area of _____ sq. ft.

AR1 ZONE REQUIREMENTS

2. In an Agricultural Resource (AR1) Zone no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area:	_____ acres
Minimum Lot Frontage:	_____ ft.
Minimum Front Yard:	_____ ft.
Minimum Rear Yard:	_____ ft.
Minimum Side Yard:	_____ ft.
Maximum Height of Main Building:	_____ ft.

EXCEPTION: AGRICULTURAL USES

3. Notwithstanding Section 2 above, Agricultural Uses shall conform to the following requirements:

Minimum Lot Area:	_____ acres
Minimum Lot Frontage:	_____ ft.
Minimum Front Yard:	_____ ft.
Minimum Rear Yard:	_____ ft.
Minimum Side Yard:	_____ ft.
Maximum Height of Main Building:	_____ ft.

SPECIAL REQUIREMENT: AGRICULTURAL RELATED STRUCTURES

4. A minimum separation distance of _____ feet shall be maintained between any barn, kennel, stable or other building intended for the keeping of animals and any residential dwelling units accessory to any agricultural uses.

5. A minimum separation distance of _____ feet shall be maintained between any agriculture related structures and any watercourse or water body.

SPECIAL REQUIREMENT: RESIDENTIAL USES

6. Residential uses in an Agricultural Resource (AR1) Zone are subject to the general requirements for all residential zones or uses (Part 9, page 51).

SPECIAL REQUIREMENT: COMMERCIAL USES

7. Commercial uses in an Agricultural Resource (AR1) Zone are subject to the general requirements for all commercial zones or uses (Part 20, page 97).

NUMBER OF DWELLING UNITS ON A LOT

8. More than 1 single family detached dwelling unit accessory to agricultural uses are permitted on a lot.

This example of a Mixed Resource Use (RM1) Zone is also intended to be used in rural areas where it is desirable to protect and support land based economic (resource) activities. This zone differs from the Agricultural Resource (AR1) Zone (which was intended for areas with a single resource use) as it is intended for areas with more than one resource use (in this example agriculture and forestry). The list of non-agricultural and non-forestry uses is less restrictive than that given in the AR1 example (but not as broad as in the rural mixed use zone examples). If areas zoned MR1 are large, additional support services may have to be included if they are not available within a reasonable distance. The list would have to take local conditions into careful consideration.

Part 17 Example B: Mixed Resource (MR1) Zone

MR1 USES PERMITTED

1. No development permit shall be issued in a Mixed Resource Use (MR1) Zone except for one or more of the following uses:

1. AGRICULTURAL USES:

Agricultural industries;
Agriculture related structures providing that such structures shall not be used for human habitation;
Agricultural uses including farm woodlots, fur farms, garden nurseries, green houses and animal kennels and stables;
Retail uses accesssory to agricultural uses to a maximum floor area of _____ sq. ft.;

2. FORESTRY USES:

Forestry related structures providing that such structures shall not be used for human habitation;
Forestry uses;
Forestry industries;
Lumber yards;
Saw mills;

3. NON-AGRICULTURAL AND NON-FORESTRY USES:

Animal hospitals and veterinary establishments;
Automobile service stations including automobile washing establishments as an accessory use if conducted on the same lot subject to Section 3 of Part 20;
Community centres;
Churches, places of worships, religious institutions, and church halls;
Drug stores;
Existing multiple unit residential dwellings;
Fire stations;
Local convenience stores to a maximum floor area of _____ sq. ft.
Repair shops;
Residential dwelling units located in the same building as any commercial use subject to Section 6;
Service and personal service shops;
Single family detached dwellings.

Agricultural and forestry uses generally require larger lot sizes than the non-resource uses permitted in this zone. Such large lot requirements may be excessive for the non-agricultural and non-forestry uses. This would require the development of two sets of standards that would be more sensitive to these differences. Lot sizes for the non-resource uses should be quite small to prevent removing the resource land from resource use but must, of course, reflect the Department of Public Health's on-site sewage disposal system requirements.

The separation distances required here should probably be similar to those which would be required in a mixed resource use zone due to the mix of agricultural and non-agricultural uses.

It is important when establishing the special requirements for agricultural uses in this zone to consider the mix of uses which can occur in this zone. The special requirements in this example are intended to separate agricultural structures from all other structures both on and off the property and to protect uses on adjacent lots by preventing any agricultural structures within a reasonable distance of any lot line.

MR1 ZONE REQUIREMENTS

2. In a Mixed Resource Use (MR1) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area:	_____ acres
Minimum Lot Frontage:	_____ ft.
Minimum Front Yard:	_____ ft.
Minimum Rear Yard:	_____ ft.
Minimum Side Yard:	_____ ft.
Maximum Height of Main Building:	_____ ft.

SPECIAL REQUIREMENTS: AGRICULTURAL USES

3. A minimum separation distance of _____ feet shall be maintained between any agriculture related structures and any single family detached dwelling units.

4. A minimum separation distance of _____ feet shall be maintained between any agriculture related structures and any lot line.

SPECIAL REQUIREMENT: RESIDENTIAL USES

5. Residential uses in a Rural Mixed Use (RM1) Zone are subject to the general requirements for all residential zones or uses (Part 9, page 51).

SPECIAL REQUIREMENT: COMMERCIAL USES

6. Commercial uses in a Rural Mixed Use (RM1) Zone are subject to the general requirements for all commercial zones or uses (Part 20, page 97).

SPECIAL REQUIREMENT: MAXIMUM FLOOR AREA

7. In addition to the above requirements, in a Rural Mixed Use (MR1) Zone where residential and commercial uses occur on the same lot, the maximum amount of floor area that can be used for commercial purposes shall be _____ sq. ft. exclusive of utilities and washrooms.

Industrial uses are probably most appropriately zoned in or around urban areas where the required services are available to them. In rural areas that have been zoned for resource uses, which permit agricultural or forestry industrial uses, an industrial zone could be used to accommodate non-resource related industrial uses. This could be done by pre-zoning or by zoning amendment. New or existing industrial uses could also be similarly spot zoned in the areas zoned for rural mixed uses. Industrial uses could also be permitted in any of the mixed use zones (note the industrial uses permitted in the S2 Zone example), perhaps with the provision that they do not exceed a certain specified size. No attempt has been made to deal with any heavy industrial uses in this zone. A separate heavy industrial zone may be developed for the control of such uses as oil refineries, iron and steel manufacturing, pulp and paper products manufacturing, etc. Alternatively such uses could be regulated by contract zoning (see page v of the Introduction).

Yards for abutting zones or uses are used to achieve a separation distance between potentially incompatible uses to minimize any nuisance effects and ensure privacy.

Part 18 Industrial General (M1) Zone

M1 USES PERMITTED

1. No development permit shall be issued in an Industrial General (M1) Zone except for one or more of the following uses:

Any activity connected with the automotive trade other than an automotive scrap yard or automobile related commercial recreational establishment;
Any manufacturing, industrial, assembly or warehousing operation conducted and wholly contained within an enclosed building and which is not obnoxious by reason of sound, odor, dust, fumes or smoke, or other obnoxious emission or refuse matter or water carried waste or by reason of unsightly open storage or the detonation of explosives;
Boat and marine supplies and sales;
Breweries;
Building supply and equipment depots but excluding the bulk storage of sand or gravel;
Commercial uses accessory to a main use permitted in an M1 Zone which is conducted in the main building or on the same lot;
Industrial related business and professional offices;
Railway uses;
Service industries.

M1 ZONE REQUIREMENTS

2. In an Industrial General (M1) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area:	_____ sq. ft.
Minimum Lot Frontage:	_____ ft.
Minimum Front Yard:	_____ ft.
Minimum Rear Yard:	_____ ft.
Minimum Side Yard:	_____ ft.
Maximum Height of Main Building:	_____ ft.
Maximum Lot Coverage of Main Building:	_____ %

ABUTTING ZONE REQUIREMENTS

3. Where a yard or lot located within an Industrial (M1) Zone abuts a Residential, Settlement, Open Space, Institutional, or Conservation Zone or Use, the following restrictions shall apply:

a. Minimum Yards

The minimum yards for the abutting lot or yard in the Industrial (M1) Zone shall be as follows, but only for the yard which so abuts:

Minimum Front Yard: _____ ft.
Minimum Side Yard: _____ ft.
Minimum Rear Yard: _____ ft.

b. no open storage or outdoor display shall be permitted in an abutting yard in the Industrial (M1) Zone;

c. no parking space shall be permitted in an abutting yard within 20 feet of a side or rear lot line; and

d. signs shall be regulated as provided in Part 6; and

e. adequate screening or buffering shall be provided.

RESTRICTIONS ON OPEN STORAGE AND OUTDOOR DISPLAY

4. In addition to clause (b) of Section 3 the following restrictions shall apply to open storage or outdoor display:

a. open storage or outdoor display shall not be permitted within the required front yard of a lot; and

b. the area devoted to open storage or outdoor display shall not exceed fifty (50) percent of the lot area.

YARDS ADJACENT TO A RAILWAY

5. In an Industrial Zone, the yard requirement shall be waived for any yard which directly abuts a railway right-of-way.

AUTOMOBILE SERVICE STATIONS

6. Where automobile service stations are permitted in an Industrial Zone, they shall conform to the requirements provided in Section 3 of Part 20.

The law does not consider any mining activity, including sand and gravel operations, to be a use of land. It is therefore outside the scope of a zoning by-law, which regulates the use of land and buildings, to control or prohibit such activities.

The following Extractive Industrial (M2) Zone illustrates the mining related activities which can be regulated by a zoning by-law.

A municipality may adopt an excavations by-law (under Section 191 of the Municipal Act) to regulate the operation of gravel pits or other extractive operations.

Part 19 Extractive Industrial (M2) Zone

M2 USES PERMITTED

1. No development permit shall be issued in an Extractive Industrial (M2) Zone except for one or more of the following uses:

Buildings or offices accessory to the permitted uses;
Bulk storage of sand and gravel;
Extractive uses including sand and gravel operations;
Manufacture of concrete and concrete products.

M2 ZONE REQUIREMENTS

2. In an Extractive Industrial (M2) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area:	_____ acres
Minimum Lot Frontage:	_____ ft.
Minimum Front Yard:	_____ ft.
Minimum Side Yard:	_____ ft.
Minimum Rear Yard:	_____ ft.
Maximum Height of Main Building:	_____ ft.

ABUTTING ZONE REQUIREMENTS

3. Where a yard or lot within an Extractive Industrial (M2) Zone abuts a Residential, Settlement, Open Space, Institutional, or Conservation Zone or Use, the following restrictions shall apply:

a. Minimum Yards

The minimum yards for the abutting lot or yard in the Extractive Industrial (M2) Zone shall be as follows, but only for the yard which so abuts:

Minimum Front Yard:	_____ ft.
Minimum Side Yard:	_____ ft.
Minimum Rear Yard:	_____ ft.

b. Screening or buffering shall be provided which will act as an opaque visual barrier.

Introduction to Commercial Zones

Commercial activities tend to result in high traffic generation which necessitates some control over exits and entrances. Commercial uses can also have a nuisance affect on neighbouring uses which could be controlled through a range of lot sizes and setback standards. Controlling both the frontage and the number and type of signs minimizes the traffic problems (slowed traffic flow from cars turning out of and into the main traffic flow) that can result from commercial uses. This is particularily true of highway commercial activities and commercial shopping centres. It has been assumed that the numbers and density of most general or local commercial uses do not require separate zoning in rural areas, so they have been included in the Settlement, Resource and Rural Mixed Use Zone examples. However, both the Highway Commercial and Commercial Shopping Centre Zones have been maintained as separate zones due to the intensity of the permitted uses. Areas intended for highway commercial uses could be prezoned but it is suggested that commercial shopping centre areas not be prezoned and any proposals handled by contract zoning. Criteria could be placed in the plan to use in evaluating such proposals to ensure that the location of a Commercial Shopping Centre Zone has a minimal nuisance effect.

It may be desirable in some rural areas to limit open storage or outdoor display to within a specified distance of the lot line of an abutting yard rather than prohibiting it completely.

Part 20 General Provisions For All Commercial Zones and All Commercial Uses in S1, S2, RM1 and Resource Zones

ABUTTING ZONE REQUIREMENTS

1. Where a Commercial Use or Zone abuts a Residential, Open Space, Institutional or Conservation Use or Zone, the following restrictions shall apply:

   a. The minimum side yard requirement for the abutting side yard within the Commercial Zone shall be twenty (20) feet;

   b. No open storage or outdoor display shall be permitted in an abutting yard within the Commercial Zone;

   c. No parking space shall be permitted in an abutting yard within twenty (20) feet of a side or rear lot line within the Commercial Zone;

   d. In addition to the provisions of Part 6, signs located in an abutting yard within the Commercial Zone shall be subject to the following requirements:

      i. all signs shall be non-illuminated;

      ii. only directional or business identification signs shall be permitted;

      iii. the maximum sign area shall be fifteen (15) square feet;

      iv. the maximum height of a ground sign from the grade level to the highest part of the sign (including the sign structure) shall be twelve (12) feet;

      v. all signs shall be set back at least ten (10) feet from the abutting property line.

RESTRICTIONS ON OPEN STORAGE OR OUTDOOR DISPLAY

2. No open storage or outdoor display shall be permitted except in a Commercial Highway (C1) Zone.

SPECIAL REQUIREMENTS: AUTOMOBILE SERVICE STATIONS

3. Where automobile service stations are permitted in a Commercial Zone or as a Commercial Use in any zone, the following special provisions shall apply:

a. Minimum Lot Frontage: 150 ft.;

b. No portion of any pump island shall be located closer than twenty (20) feet from any road line;

c. The minimum distance between ramps or driveways shall not be less than thirty (30) feet;

d. The minimum distance from a ramp or driveway to a road intersection shall be fifty (50) feet;

e. The minimum angle of intersection of a ramp to a road line shall be forty-five (45) degrees; and

f. The width of a ramp shall be a minimum of twenty (20) feet, and a maximum of twenty-six (26) feet.

The uses that might actually be permitted in a highway commercial zone will probably differ depending upon the area. If a C1 Zone was adjacent to a rural mixed use zone many of the uses listed in the C1 Zone example could be deleted as they would be permitted uses in the rural mixed use zone.

In some cases it may be appropriate to include small manufacturing uses with associated retail uses, in this zone.

Part 21 Commercial Highway (C1) Zone

C1 USES PERMITTED

1. No development permit shall be issued in a Commercial Highway (C1) Zone except for one or more of the following uses:

Automobile sales establishments;
Automobile service stations including automobile washing establishments as an accessory use if conducted on the same lot subject to Section 3 of Part 20;
Boat, trailer, motorcycle, and snowmobile sales and rentals;
Business and professional offices;
Clubs whether private or operated for profit;
Display courts, featuring swimming pools, decorative fountains, prefabricated cottage and mobile homes;
Drive-in theatres and similar places of outdoor recreation and amusement but excluding motor vehicle racing tracks;
Funeral parlour and undertaker establishments;
Garden and nursery sales and supplies;
Indoor recreational establishments including premises for billiards, bowling, curling, dancing, roller and ice skating, theatre or cinema;
Restaurants and drive-in restaurants;
Retail sales within wholly enclosed buildings of the following:
- Appliances;
- Arts and craft objects and antiques;
- Broadloom and draperies;
- Equipment and machinery for business, professional, hospitals, schools and educational institutions;
- Furniture and lighting fixtures;
- Gifts and souvenirs;
- Gymnasium equipment and sporting goods;
- Luggage and leather goods;
- Marina and camping accessories;
- Musical instruments and equipment;
- Personal effects;
- Printing establishments;
- Retail lumber and home improvement materials.

C1 ZONE REQUIREMENTS

2. In a Commercial Highway (C1) Zone, no development permit shall be issued except in conformity with the following requirements:

The lot requirements in a C1 Zone should be as large as possible while being consistent with the existing land holding and settlement pattern. Frontage requirements should be large enough to maintain a reasonable traffic flow on the roads abutting the C1 uses.

Minimum Lot Area:	_____ sq. ft.
Minimum Lot Frontage:	_____ ft.
Minimum Front Yard:	_____ ft.
Minimum Rear Yard:	_____ ft.
Minimum Side Yard:	_____ ft.
Maximum Height of Main Building:	_____ ft.

SPECIAL REQUIREMENTS: OPEN STORAGE OR OUTDOOR DISPLAY

3. Where more than 20% of a lot or _____ sq. ft. or more of a lot is to be used primarily for open storage or outdoor display within a Commercial Highway (C2) Zone, the following restrictions shall apply:

   a. no open storage or outdoor display shall be permitted within any required front yard of a lot; and

   b. the area devoted to open storage or outdoor display shall not exceed _____ ( ) percent of the total lot area.

SPECIAL REQUIREMENT: DRIVE-IN THEATRES

4. 1. The minimum lot size for a drive-in theatre shall be ten (10) acres.

   2. No development permit shall be issued for any drive-in theatre within _____ ft. of any residential or institutional zone or use.

Part 22 Commercial Shopping Centre (C2) Zone

C2 USES PERMITTED

1. No development permit shall be issued in a Commercial Shopping Centre (C2) Zone except for shopping centres containing any of the following uses:

Banks and financial institutions;
Business and professional offices;
Community centres;
Dressmaking and tailoring;
Food stores and delicatessens;
Libraries;
Medical clinics;
Parking lots and parking structures;
Parks subject to the 01 Zone requirements;
Places of entertainment, recreation and assembly which are conducted within wholly enclosed buildings;
Restaurants;
Retail stores;
Service and personal service shops.

C2 ZONE REQUIREMENTS

2. In a Commercial Shopping Centre (C2) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area:	_____ acres
Minimum Lot Frontage:	_____ ft.
Minimum Front Yard:	_____ ft.
Minimum Side Yard:	_____ ft.
Minimum Rear Yard:	_____ ft.
Maximum Height of Main Building:	_____ ft.
Maximum Lot Coverage of Main Building:	_____ %

DRIVEWAY IN A C2 ZONE

3. No part of any access driveway in a Commercial Shopping Centre (C2) Zone shall be located within one hundred and twenty (120) feet of the closest boundary of a road intersection.

EXIT AND ENTRANCE RAMPS

4. Driveways in a Commercial Shopping Centre (C2) Zone shall be a minimum of two hundred (200) feet apart.

LOADING SPACE IN A C2 ZONE

5. No loading facilities will be permitted except at the side or rear of any building in a C2 Zone.

Part 23 Commercial Tourist (C3) Zone

C3 USES PERMITTED

1. No development permit shall be issued in a Commercial Tourist (C3) Zone except for one or more of the following uses:

Automobile service stations including automobile washing establishments as an accessory use if conducted on the same lot subject to Section 3 of Part 20;
Campgrounds and trailer parks;
Hotels, motels and other tourist establishments and convention facilities;
Indoor recreational establishments;
Marinas, docks and other related facilties;
Museums;
Restaurants and snack bars;
Retail stores with a maximum floor area of _____sq. ft.;
Theatres and cinemas;
Tourist information booths.

C3 ZONE REQUIREMENTS

2. In a Commercial Tourist (C3) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area:	_____ sq. ft.
Minimum Lot Frontage:	_____ ft.
Minimum Front Yard:	_____ ft.
Minimum Rear Yard:	_____ ft.
Minimum Side Yard:	_____ ft.
Maximum Height of Main Building:	_____ ft.
Parking:	_____ spaces/ _____ sq. ft. of floor area

Introduction to Open Space Zones

Three open space zones are given here — a public and private park zone, a conservation zone and a water supply zone. They are intended for uses which require a minimum number of structures. In the park and conservation zones it may be desirable to require development permits for those uses involving the erection of a building or structure.

This zone is intended to be used for park areas and recreational facilities, both public and private, rather than for the protection or conservation of sensitive lands.

Part 24 Public and Private Park (01) Zone

01 USES PERMITTED

1. No development permit shall be issued in a Public and Private Park (01) Zone except for one or more of the following uses:

Cemeteries;
Community centres;
Exhibition grounds;
Golf courses and driving ranges;
Historic sites;
Marinas;
Market garden and garden nurseries;
Pavilions and bandshells;
Playgrounds;
Public and private parks;
Public and private recreation centres;
Recreational uses;
Buildings and structures accessory to the foregoing including a refreshment booth or pavilion.

01 ZONE REQUIREMENTS

2. No development permit shall be issued in a Public and Private Park (01) Zone unless the minimum setback from any lot line for the main building is _____ feet.

PERMITTED STRUCTURES

3. No building or structure may be erected or altered in a Public and Private Park (01) Zone except for buildings or structures directly related to any permitted use as listed in Section 1 above.

This zone is intended to include only those lands on which no development should be permitted. Section 33(2)(a)(iv) of the Planning Act states that the erection of buildings or structures can be prohibited on land subject to flooding or in areas were the costs of providing services is too expensive. Other land could be included here if the owners agree to such zoning. It is the opinion of the Department that lands subject to flooding should be defined and the boundaries shown on a map. The current Federal/Provincial Flood Reduction Program may result in the identification of two distinct areas within a floodplain. The floodway would be the critical area where no development would be permitted and the floodway fringe would be an area outside of this where some (floodproofed) development may be permitted. These distinctions should be considered when zoning areas subject to flooding.

Part 25 Conservation (02) Zone

02 USES PERMITTED

1. No development permit shall be issued in a Conservation (02) Zone except for one or more of the following uses:

Conservation related projects;
Crop farming, grazing and pasturage;
Passive recreational activities such as hunting, fishing, bird watching and similar ecologically oriented educational activities;
Public or private parks involving no buildings.

PERMITTED STRUCTURES

2. No building or structure may be erected or altered in a Conservation (02) Zone except for buildings or structures directly related to any permitted use listed in Section 1 above.

Surface water is relied on by many rural settlements to provide central water services. Limiting uses adjacent to surface water bodies, watercourses, reservoirs or within a watershed may maintain the quality of the water for this purpose.

"Intensive livestock operation" would have to be defined in order to make this restriction enforceable. It could, for instance, be based on the number of animal units (see page 56).

Lot sizes for residential uses in the 03 Zone should be fairly large to be consistent with the desire for low use densities and low use intensities. The setback requirement from waterbodies for all structures in this zone is more restrictive than that required for the Recreational Residential (RR2) Zone, example on page 59.

In some rural areas where little development occurs in a surface water supply area it may be desirable to further restrict the list of permitted uses (perhaps forestry uses only). Permitting such limited uses on privately owned land may, however, be of doubtful legal validity. The only way a municipality may be able to ensure the quality of water from a surface water supply is to purchase the adjacent properties. Under the Water Act (Section 17) the Minister of Environment may designate an area surrounding any source of water supply as a Protected Water Area. The Minister may further prohibit or regulate the doing of any act that may impare the water quality in such an area. However, owners may seek compensation under the Act for such restrictions. As a result the Department of Environment is reluctant to prescribe protected water areas.

Part 26 Water Supply (03) Zone

03 USES PERMITTED

1. No development permit shall be issued in a Water Supply (03) Zone except for one or more of the following uses:

   Agricultural uses except intensive livestock operations;
   Forestry uses;
   Recreational uses, parks and playgrounds subject to 01 Zone requirements;
   Single family detached dwellings.

2. In a Water Supply (03) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area:	_____	acres
Minimum Lot Frontage:	_____	ft.
Minimum Front Yard:	_____	ft.
Minimum Rear Yard:	_____	ft.
Minimum Side Yard:	_____	ft.
Maximum Height of Main Building:	_____	ft.

PERMITTED STRUCTURES

3. No building or structure may be erected or altered in a Water Supply (03) Zone except for buildings or structures directly related to any permitted use listed in Section 1 above.

SPECIAL REQUIREMENT: SETBACK FOR STRUCTURES

4. No building or structure may be erected within _____ ft. of any water body or watercourse.

SPECIAL REQUIREMENT: RESIDENTIAL USES

5. Residential uses in a Water Supply (03) Zone are subject to the general requirements for all residential zones or uses of Part 9, page 51.

Administration

ENFORCEMENT

1. This By-law shall be administered by the Development Officer.

SCOPE OF APPLICATION

2. 1. Every application for a Development Permit shall be accompanied by plans, in duplicate, drawn to an appropriate scale and showing:

a. the true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;

b. the proposed location, height and dimensions of the building, structure, or work in respect of which the permit is applied for;

c. the location of every building or structure already erected on or partly on such lots, and the location of every building upon contiguous lots;

d. the proposed location and dimensions of parking spaces, loading spaces, driveways, and landscaping areas; and

e. other such information as may be necessary to determine whether or not every such building, development, reconstruction or redevelopment conforms with the requirements of this By-law.

2. Where the Development Officer is unable to determine whether the proposed development conforms to this By-law and other by-laws and regulations in force which affect the proposed development he may require that the plans submitted under Subsection 1 be based upon an actual survey by a Provincial Land Surveyor.

SIGNATURE FOR APPLICATION

3. The application shall be signed by the registered owner of the lot or by the owner's agent duly authorized thereunto in writing and shall set forth in detail the current and proposed use of the lot and each building or structure, or part of each building or structure, together with all information necessary to determine whether or not every such proposed use of land, building or structure conforms with the requirements of this By-law.

PENALTY

4. Any person who violates a provision of this By-law shall be subject to prosecution as provided for under Part XI of the Planning Act.

DATE OF BY-LAW

5. This By-law shall take effect when approved by the Minister of Municipal Affairs.

Appendix A Non-Conforming Uses

PART VIII, PLANNING ACT

NON-CONFORMING USES

CHAPTER 16, ACTS OF 1969

45. 1. Subject to the provisions of this Act, a building or structure, or the use of land, buildings or structures lawfully in existence at the date of the first publication of notice of intention to pass a zoning by-law or any by-law amending or revising the zoning by-law and which does not conform to such by-law, may continue to exist.

2. A building or structure shall be deemed to be existing at the date of the first publication of the notice of intention to pass a by-law if:

a. it was lawfully under construction; or

b. the permit for its construction was in force and effect; but this clause shall not apply unless the construction is commenced within twelve months after the date of the issue of the permit and is completed in conformity with the permit within a reasonable time.

46. 1. The Council may cancel any permit in the circumstances of Clause (b) of Subsection (2) of Section 45 where the building or structure is not lawfully under construction by paying to the person on whose behalf the permit was obtained such reasonable expenses for the preparation of plans for the building or structure and the promotion of the development as may be agreed upon by the parties.

2. In the event the parties are unable to agree upon the amount to be paid the person on whose behalf the permit was obtained may by written notice require that the municipality submit the claim to arbitration.

3. The arbitration shall be by one arbitrator appointed by the parties or by the Minister if they are unable to agree.

47. 1. No structural alterations except as required by statute or by-law shall be made in a building or structure while a non-conforming use thereof is continued, but such use may be extended throughout the building.

2. Where the existing use of a building does not conform to the zoning by-law such use may be changed to a use of the same use classification under the zoning by-law.

3. If in the opinion of the Council a building that does not conform to the provisions of a zoning by-law is destroyed by a fire or otherwise, or is damaged by fire or otherwise to an extent of fifty percent or more of the value of the building above its foundation it shall not be rebuilt or repaired except in conformity with the provisions of the by-law.

4. Any change of tenants or occupants of any premises or building shall not of itself be deemed to affect the use of the premises or building for the purpose of this Section.

5. A non-conforming use of land, buildings or structures shall not be recommenced if it has been discontinued for a period of six months consecutively, and in such event the land, building or structure shall not thereafter be used except in conformity with the zoning by-law.

48. 1. A Council may require, by written notice served on the occupier of land which does not conform to the by-law, that the land including any buildings or structures thereon shall be maintained in the manner set out in the notice.

2. Without restricting the generality of Subsection (1), the Council may require the occupier to paint any building, fence or structure or to rid the land of any unsightly weeds, grass, shrubs, bushes or other similar matters or to remove, relocate or rearrange any refuse, materials, machinery or structures unless such removal, relocation or rearrangement unduly interferes with the operations of the occupier.

3. The Council may require the termination of a non-conforming use where the occupier refuses or neglects to reasonably comply with the notice.

4. Any notice made by the Council under Subsections (1) and (3) may within thirty days be appealed to the board and the board may:

a. dismiss the appeal; or

b. allow the appeal; or

c. vary the notice in such manner as the board prescribes. 1970-71, C.71, S.6.

Appendix B Discussion of Environmental Performance Standards

Traditional zoning is concerned with establishing standards to control man-made features. This results in regulations specifying types, location and standards for development. The intent is not primarily to protect natural environment functions or processes. Environmental performance standards are concerned with the results (impact) that development has on the natural environment, and with preserving and protecting the natural environment as the land undergoes development. Hence the term "performance standards".

Environmental performance standards allow some local government control over the impacts of development, attempt to reduce public hazards, protect adjoining property owners and reduce future government costs due to environmental degradation. After identifying the features that it is necessary or desirable to preserve and protect (such as groundwater quality), the land owner is then allowed to develop the land for any use that will not exceed the performance standards established. Thus the owner is given a greater flexibility in use decisions. It should be noted that environmental performance standards do not replace standard zoning procedures, rather they compliment them. Environmental performance standards do remove one traditional element of zoning, type of permitted uses, from consideration. However, some uses may be permitted only in certain locations due to other considerations (i.e. social or economic). Such factors as density, proximity and effects of one use on another, traffic generation, and availability of parking would still be controlled by zoning.

The development and use of environmental performance standards could probably occur in one of two ways. They could be developed as by-laws, (separate from a zoning by-law), under the Municipal Act (for rural areas), or they could be attached as special requirements affecting specified uses in a zoning by-law.

The development of environmental performance standards requires an analysis of the natural processes associated with an area so that the regulations can be designed to protect the important functions. Such items as groundwater quality, groundwater recharge, runoff and erosion could be analyzed to define specific, measurable levels at which the operation of these functions must be maintained. The analysis would require fairly sophisticated methodologies and a comprehensive information base (which unfortunately is generally unavailable for most of Nova Scotia). The administration of environmental performance standards by municipal staff (development officers) could be time-consuming, expensive and require a high level of expertise. For these reasons it would currently be difficult for municipalities to implement a system of environmental performance standard by-laws in Nova Scotia.

In spite of the current technical and administrative limitations it is possible to develop a number of environmental performance standards as special requirements in a zoning by-law. These environmental performance standards would be relatively simplified and imprecise (because of the problems with the information base), but would allow some consideration

of natural processes in the development process. For instance, lot size or density provisions could be developed which would respond to natural slope conditions, so that the greater the degree of slope (%) the larger the lot size or the lower the density permitted.[1] Other environmental performance standards could be in the form of lot coverage provisions to maximize vegetation retention and groundwater recharge, while minimizing run-off. Examples of these types of environmental performance standards are given on pages 53 and 75. Other requirements could be developed to control site development practices.

It is important to remember that some residential development in rural areas occurs in subdivisions subject to subdivision by-laws and/or regulations. Land subdivision occurs before the development permit stage as required by a zoning by-law. For this type of residential development to be affected by environmental performance standards it would be necessary to incorporate such standards in the subdivision regulations or by-law as well as in the zoning by-law.

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1 Natural slope could be defined as the inclination of the surface of the land from the horizontal prior to grading. The natural slope could be determined by two methods. The slope could be measured from the highest elevation on the perimeter of the lot to the lowest elevation on the perimeter of the lot (the Town of Truro has used this approach in their zoning by-law). An average slope measurement for the site could also be used. (For information on how this could be determined see page 82, Performance Controls for Sensitive Lands, A Practical Guide for Local Administrators, Thurow, Toner & Erley; ASPO, 1975).

Appendix C Other Relevent Acts and Regulations

The following is a list of the kinds of provincial locational and/or use controls which do/could effect a rural municipality (whether or not it has a regional or municipal development plan or zoning by-law).

AGRICULTURE AND MARKETING ACT

Part XIX Community Pastures:

Section 190 — The Provincial Community Pasture Board has power to:

(a) "establish, conduct and operate community pastures at such places as the Board considers advisable;

(b) lease, hold, improve and manage land and buildings for the purposes of the Board;

(c) enter into and carry out agreements and arrangements for the use, improvement, management, operation and control of land and buildings;"

Part XX Land Conservation and Use:

Section 197 — "With the approval of the Governor in Council the Minister may enter into and carry out an agreement with the Government of Canada. . .of work or a program of work for the protection, reclamation, conservation and improvement of land. . ."

Section 199 — A municipality can enter into an agreement with the Minister re above section.

Section 200 — "For the purpose of carrying out an agreement entered into under this Part the Minister may:

(a) acquire and use real and personal property;

(b) make regulations respecting the use or protection of or the more effective utilization of land reclaimed, protected or improved by work performed. . ."

ASSESSMENT ACT

Section 40A — (1) Farm Land and complementary buildings are exempt from taxation (excluding non-agricultural buildings, structures or related land)

(6) Change in Use Tax (20% of value)

Section 40B — (1) Forest Property exempt from taxation

(3) Forest Property Tax (25 cents per acre if classified as a resource property, 40 cents per acre if classified as a commercial property) plus option of an additional 1 cent per acre for fire protection.

(6) Change in Use Tax (20% of value) payable unless land becomes farm property.

BEACHES AND FORESHORES ACT

Section 1 — Allows Cabinet to grant or lease any ungranted flat, beach or foreshore to any person (this does not grant fishing rights).

Section 4 — Requires lease before oysters can be cultivated on any beach, flat, harbour, river, lake or foreshore (not to exceed 5 acres).

Section 5 — Allows land to be leased for the establishment of a fish trap or weir.

BEACHES PRESERVATION AND PROTECTION ACT

Section 5 — Outlines process of defining beaches under the Act.

Section 6 — Prohibits removal of any material from beaches without permission (lobster fishermen can take rocks).

FOREST IMPROVEMENT ACT

Section 12(1) — "No person shall fell a tree within 100 feet of:

(a) outside boundary of any trunk highway or any other such designated highway;

(b) bank of any designated river, part of a river or lake".

CAMPING ESTABLISHMENTS REGULATION ACT

Regulations under Camping Establishments Regulation Act, effective April 6, 1976.

Section 4 — Camping establishments[1] shall be subdivided so that every campsite shall have a minimum of 1200 sq. ft. and a frontage of not less than

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[1] "Camping Establishments" means any premise operated for the accommodation of the travelling or vacationing public comprising land used or maintained as grounds for camping or for parking recreational vehicles.

20 ft. on a street or road, provision for the parking of a vehicle shall be provided except where suitable off-site parking is available within 500 ft. of the campsite and campsite size exceeds 12,000 sq. ft. in area.

ENVIRONMENTAL PROTECTION ACT

Section (1) — The Minister can for purposes of administering and enforcing the Act:

(a) "develop, co-ordinate and enforce policies, planning and programs relating to the preservation and protection of the environment;

(b) co-ordinate the work and efforts of departments, boards, commissions, agencies. . .respecting any matter relating to the preservation and protection of the environment;

(o) regulate and control the location, construction and operation of any plant, structure, facility, undertaking or thing that will or is likely to discharge waste or containment into the environment, or otherwise cause pollution".

There are no regulations under the Act in effect which would make these sections [in particular 8(1)(a)] operative.

HOUSING DEVELOPMENT ACT

Part V Land Assembly:

Section 23(1) — The Minister may enter into and carry out agreements "for the acquisition, servicing, development and disposal of land for housing purposes. . .".

Section 24 — Allows municipalities to enter into agreements with province re above.

Part VII:

Section 28(2) — A municipality may:

(a) "acquire, or expropriate, or take possession of lands within the municipality for any or all housing and neighbourhood improvement purposes. . ."

NOTE: These powers can only be exercised in conjunction with the Nova Scotia Housing Commission.

LANDS AND FORESTS ACT

Section 12 — Crown lands not suitable for agriculture or grazing purposes and whose chief value is in timber growing shall only be disposed of under this Act.

Section 13 — Cabinet can reserve certain crown lands for forestry purposes and can protect and regulate flow of water therein, including power development, and protection and preservation of game.

Sections 20 to 30 — Deals with granting of crown lands.

MARSHLAND RECLAMATION ACT

Section 2 — The Minister "may construct, reconstruct, operate and maintain any works for the protection, drainage and improvement of marshlands and for such purposes may:

(a) enter into agreements with the Government of Canada. . .;

(b) purchase or rent real and personal property including buildings, machinery and equipment".

Section 3 — Minister may designate marshlands and their boundaries.

Section 53 — Entry and Expropriation rights of Marshland Reclamation Commission.

MINERAL RESOURCES ACT

Section 16(1) — Minister may make regulations:

(a) re disposal of tailings, waste products etc. upon any lands, and

(b) re the restoration, reclamation and rehabilitation of a mine or mining lands, and

(g) the establishment of the boundaries of mineral lands.

Section 24(1) — "The Minister may withdraw any lands in the Province from application for a license for all or certain minerals" (special agreements can still be drawn up for these areas).

Section 94 — No surface mining within 30 feet of boundary line of lease.

Section 95 — No submarine mining within 75 feet of boundary line of lease.

MUNICIPAL ACT

Section 136(21)	—	Purchase/acquiring of public grounds, parks
(22)	—	Laying out etc. of land for landing strip or airport.
Section 188(1)	—	Establishment of woodland reserve.

Under the Municipal Act (Section 191) it is possible for a municipality to make by-laws with respect to 108 matters. The ones most directly relating to development control and land use are listed below:

Subsection (6)	—	"management and use of all property of the municipality".
Subsection (9)	—	setting aside its land as a parking ground.
Subsection (43)	—	preserving the banks of rivers.
Subsection (50)	—	requiring the removal of all. . ."erections, projections or obstructions. . .which. . .project into or over any public street" etc.
Subsection (56)	—	erection and maintenance of lamppost signs except where regulated under the Public Highway Act.
Subsection (58)	—	"to provide dumps or places of deposit for garbage" etc.
Subsection (61)	—	"the location and regulation of slaughter houses" etc.
Subsection (79)	—	"regulating or prohibiting advertising in public places. . . (and) swinging or other signs that project over the street or sidewalk".
Subsection (92)	—	"zoning property in the municipality or in an area pursuant to the Planning Act".
Subsection (93)	—	"regulating the erection, construction, alteration and repair of buildings" etc.
Subsection (94)	—	"regulating the erecting. . .public or private garages".
Section 203(1)	—	Compulsory connection to public sewers if within 100 ft..
Section 204	—	Dangerous or Unsightly premises.

PLANNING ACT

Section 49(1)	—	Minister may prescribe subdivision regulations; these vary somewhat from Municipality to Municipality.
49(8)	—	Subdivison by-law

PUBLIC HEALTH ACT

Section 55 — Location of cemeteries—200 yd. setback—can be reduced to 100 yards.

NOVA SCOTIA REGULATIONS RESPECTING ON-SITE SEWAGE DISPOSAL SYSTEMS (effective 1978)

Section 8 — sets out 3 categories of building lot specifications and requirements which would be applicable if "the depth of permeable natural soil over bedrock, maximum groundwater elevation or any impervious layer on the lot is" greater than 2 ft. (category I), greater than 1 ft. but less than 2 ft. (category II), or 1 ft. or less (category III). If the natural soil depth is less than 4 ft. a built up disposal bed is constructed.

Section 8(2) — Category I:

minimum lot area 20,000 sq. ft. and minimum frontage 100 ft.;
with central water minimum lot area 10,000 sq. ft. and minimum frontage 75 ft.;
within 75 ft. of any shore line, minimum lot area 40,000 sq. ft. and minimum frontage 100 ft., minimum depth 75 ft.;
all disposal systems in this category must be a minimum of 100 ft. from any watercourse or ocean.

Section 8(3) — Category II:

minimum lot area 80,000 sq. ft. and minimum frontage 200 ft.;
minimum of 150 ft. from any watercourse or ocean.

Section 8(4) — Category III:

minimum lot area 200,000 sq. ft. and minimum frontage 400 ft., minimum depth 400 ft.;
minimum of 200 ft. from any watercourse or ocean;
minimum of 100 ft. from any right-of-way.

Section 10 — larger lot sizes and lot frontage may be required.

Section 11 — Board[1] shall refuse to issue or renew a permit where:

(a) the topography is unsuitable

(b) existing or proposed water supplies could be affected

(c) there is an existing, adequate sanitary sewer abutting or within 100 ft.

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[1] Board of Health.

Section 12 — Temporary on-site systems can be installed in anticipation of sewerage services.

PUBLIC HIGHWAYS ACT

Section 14(1) — Regulates width of highway (66 ft.), exceptions to this width are described in Section 15(1).

Section 21(1) — Control of uses on land designated as a controlled access highway (e.g. 150 ft. setback for fruit and vegetable stands).

Section 22 — Deals with designation of Parkways and control of uses within Parkways.

Section 41(1) — Requires setback of 300 ft. from any highway centerline.

DEPARTMENT OF HIGHWAYS SPECIFICATIONS FOR SUBDIVISION ROADS IN URBAN AND RURAL AREAS (effective April, 1978)

Section 2.3 — Minimum R.O.W. normally 66 ft. - in certain cases greater. A R.O.W. of 50 may be accepted but requires prior approval.

Section 2.6 — Minimum distance between intersections:

—	local roads	350 ft.
—	collector roads	500 ft.
—	arterial roads	1,000 ft.

Offset intersections — no less than 300 ft. from centerline.

Section 2.9 — Minimum setback distance to front of any building — 15 ft. from nearest boundary (or Municipal requirements if more stringent).

Section 2.15 — Requirements of other Departments regarding subdivision development must be complied with before obtaining Highways approval.

SALVAGE YARDS LICENSING ACT — relates only to salvage operations within 1,500 ft. of the centerline of the travelled portion of the highway.

Section 3 — Permits the Board of Commissioners of Public Utilities to issue a license if a salvage yard is not unsightly and does not contravene certain other Acts.

Section 3(1) — (c) A salvage yard cannot be closer than 500 ft. to a public park, public playground, public bathing beach, school, church or cemetery.

Section 3(1A) — excepts salvage yards with a license in 1970 that meet other requirements of Section 3.

UNSIGHTLY PREMISES ACT

Section 2 — Outlines responsibilities of owner to maintain premises (within 500 ft. of the centerline of a highway) in a condition which is not unsightly or offensive.

WATER ACT

Section 12 — "Subject to this Act, the Minister and Council[1] shall have the control and general supervision of:

(a) the use of all surface, ground and shore waters;

(d) alteration of the natural features of any watercourse[2] or lake and the natural movement of water therein.

Section 17 — (1) "The Minister may by order designate an area surrounding any source of water supply. . .as a protected Water Area" etc.

(2) "The Minister may by order prohibit or regulate the doing of any act or acts in any area so designated that may impair[3] the quality of the water in the source of the water supply."

The following acts were examined in the preparation of this appendix:

Agriculture and Marketing Act
Assessment Act
Beaches and Foreshores Act
Beaches Preservation and Protection Act
Camping Establishments Regulation Act
Ditches and Water Courses Act
Environmental Protection Act
Fire Prevention Act
Forest Improvement Act
Housing Development Act
Lands and Forests Act
Marshland Reclamation Act
Mineral Resources Act
Municipal Act
Municipal Corporation Supplementary Powers Act

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1 Environmental Control Council

2 "Watercourse" means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon, swamp, marsh, wetland, ravine, gulch or other natural body of water, and the water therein, including groundwater, within the jurisdiction of the Province, whether it contains water or not; (RSNS 1976, C.335, The Water Act, as amended by C.58, 1972).

3 "Impair" is interpreted to be any alteration in or degradation of the quality of the water.

Public Health Act
Public Highways Act
Salvage Yard Licensing Act
Unsightly Premises Act
Water Act